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AMERICAN POLITICS

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HISTORY OF

AMERICAN POLITICS

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PREFACE TO THE THIRD EDITION.

THIS edition of what is now a standard text-book in academies and colleges throughout the land appears ten years after the first. These ten years had elevated the author from obscurity to a position of the highest authority as a historian when he died in July of last year. This book, which not only created but sustained the ever-increasing reputation of Professor Johnston, should therefore stand as the writer left it. Accordingly, in bringing it up to date, the editor has treated the text with reverence, and has sought in the few additions made to preserve the spirit and plan of the original volume.

PRINCETON, *May* 1, 1890. W. M. S.

PREFACE TO THE SECOND EDITION.

THIS book was first published in March, 1879. Since that time corrections have been made for each of the eight times that the book has been put to press, but these have been comparatively so unimportant that it has not at any time seemed fitting to call the result a new edition. It would hardly be proper, however, to allow this issue to go out except as a new edition. In it the whole book has

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been carefully revised and brought down to date; detached portions have been rewritten; the whole outline history from 1868 until 1881 has been given very much more fully than was possible while events were still uncertain; and a new appendix, called for by many correspondents, has been added in the form of a list of the cabinets of the successive administrations, with the dates of appointment.

For the guidance of readers who desire to study more fully the history of which this is an outline, a classified list of authorities is given below.

The scope of the book will be sufficiently indicated by repeating the last paragraph of the preface to the first edition:

"The design of the book is not to present the politics of the States, or to criticise party management, but to make our *national* political history easily available to young men. It is of interest to the whole republic that young citizens should be able to learn that true national party differences have a history and a recognized basis of existence, and should be prevented from following factitious party differences, contrived for personal objects by selfish men. If, for this purpose, this book shall be considered worthy to serve as an introduction to the larger works already in existence, its object will be accomplished." A. J.

NORWALK, CONN., *January* 2, 1882.

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INTRODUCTION.

1. THE government of the United States, in its original form (in 1777), was an extreme Democracy, whose controlling principle was the complete independence of separate communities. Those who opposed its change to a Representative Republic (in 1787) were generally distinguished afterwards by a desire that the Constitution then adopted should be construed or interpreted strictly according to its terms, and that ingenious interpretations of its provisions should not give the Federal Government any further stretch of power. The party which was thus founded, and which has retained the name of Democratic-Republican even to our own day, has therefore usually been called the **Strict Constructionist** party.

2. On the other hand the successive parties which have opposed the Strict Constructionist view, and have endeavored to carry the government still further from its originally extreme democratic form, have generally been distinguished by a desire that

the Constitution should be interpreted loosely and broadly, so as to give the Federal Government increased power in various matters of national importance. They have therefore usually been called **Loose Constructionist,** or **Broad Constructionist,** parties.[1] Their policy has necessarily been one of attack, and each of them has, in the main, been successful in securing a general acceptance by the whole country of the principle upon which its formation was based.[2]

3. This question of a strict or a loose construction of the Constitution has always been at the root of legitimate national party differences in the United States. All other pretended distinctions have been either local and temporary, or selfish and misleading, and the general acceptance of any such party difference would mark an unfortunate decline in the political intelligence of the people.

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1 It must not be imagined, however, that any party has ever called itself "The Strict Constructionist Party," or "The Loose Constructionist Party." These names are used as descriptions, not as titles.

2 The Federalists succeeded in forming a stronger Central Government; the Whigs in maintaining for the Central Government the power of making certain Internal Improvements at national expense; and the Republicans in maintaining for the Central Government the power of abolishing Slavery (first in the Territories, and afterwards in the States also), of coercing a rebellious State, and of protecting the slaves when set free. The power of the Central Government to lay Protective Duties on imports, and to organize a national banking system, was maintained for a time by the Whigs, and revived and carried into effect by the Republicans.

CHAPTER I.

ORIGIN OF POLITICAL PARTIES IN THE UNITED STATES.

1. **Political Parties** in the United States had no real existence until the revolution which dissolved allegiance to Great Britain. Most of the colonies were under royal or proprietary governments, in some of which there was a deliberative assembly. But in none of these did the people have such an influence upon the government as would have given to their differences of political opinion the distinction of party membership. In the **New England Colonies** the opportunities for the formation of parties were greater. The immigrants in this section of America had brought with them the town system of local government, and had left behind them the strong central power which had held it in check in England. They had also the good fortune, or the political foresight, to obtain charters from the king, by which they were allowed to exercise powers of government denied to the other colonies. To these charters they clung

with tenacity, and their distance from England made it difficult for the king to overcome their stubborn resistance to his endeavors to withdraw the gift, when its results had roused his suspicion and dislike. The consequence was the establishment in New England of a multitude of petty towns, each a pure democracy. In these were put in practice without question the principles of personal liberty, trial by jury, the voting of taxes by the people, and the responsibility of public officials to the people, for which all the succeeding years, and a great expenditure of blood and money, have hardly been able to secure recognition elsewhere. But the questions debated and decided n these petty democracies, or even in the larger colonial assemblies, were not such as give rise to settled differences of opinion and political parties. For these a broader field was necessary.

2. This principle of **Popular Sovereignty** had spread rapidly from the townships to the collective New England colonies, but was longer in influencing the colonies to the southward. It was not until about the year 1760 that this work can be considered accomplished. By that time most of the thinking men in the colonies agreed in believing that in the colonies rested the right to govern themselves. The principle had been repeatedly announced in theory before revolution was thought of, but personal loyalty to the king, pride in the name of Englishman, and the infrequent exercise

by England of her asserted rights of absolute dominion over her colonies, permitted it to lie dormant. In the year 1760 the financial necessities of England drove her into a fifteen years' intermittent endeavor to govern the colonies without their consent. The attempt at once awakened the principle of popular sovereignty, and the continuing contest increased the extent of its acceptance, until it became strong enough to overcome the forces which had hitherto held it in check.

3. During this period of contest the English party names, **Whig and Tory**, became naturalized in America. Their use at first was only nominal, for those who claimed them had no power to influence the course of government. Lord North and his Tory ministry and party, being in power and in need of money, advocated repressive and coercive measures toward the insubordinate colonies, and these were naturally opposed by the Whigs, the party in opposition. The name of Whig, therefore, became more popular yearly in the colonies, and was the boast of thousands whose only claim to it lay in their gratitude to the real Whigs in England.

4. The successive Congresses of delegates from the different colonies, which gradually learned to exercise all the functions of government, to form an army and navy, to organize a post-office department, and to raise money for national purposes, were recognized and attended only by the so-called **American Whigs.** Therefore, although they

offered no opportunity for party contests, they at least gave the American Whigs an influence, whether rightful or usurped, upon the course of government, and thus made them the first American political party. As soon as independence was announced, in 1776, to be the final object of the contest, the names Whig and Tory lost, in America, whatever of British significance they had ever possessed. One who espoused the cause of the revolted colonies was called a **Whig**, and one who still clung to the mother country and the crown was called a **Tory.** The Tory party was finally abolished at the close of the Revolution, when the triumphant Whigs confiscated the estates of its more active members, and compelled their owners to emigrate.

5. Before the end of the year 1776 most of the States had settled their forms of State government. These were generally such adaptations of the old colonial governments as the altered condition of affairs seemed to demand. But there was greater difficulty in settling a collective government for all the States. The idea of popular sovereignty, of local government, had spread from the township to the county, and from the county to the colony, without evil results. But the difficulty of intercommunication, and the diversity of local interests, caused each State to regard the others as, in great measure, foreign soil. And, now that a Confederacy was to be formed, the determination of each State to allow no dictation from its neighbors, or

from the new Federal Government, was found to be an insuperable barrier against the formation of a close union. In their anxiety to be without a master the States left themselves without a government.

6. The form of government for the new **Confederacy**[1] was agreed upon in November, 1777. The Congress was to be composed of not more than seven, or less than two, delegates from each State, to be chosen by the Legislature. The States were to be equal in power, each having but one vote, no matter how great its population or wealth. There was to be no President or other Executive power, except committees of Congress. Important measures required the votes of nine of the thirteen States, and amendments required the votes of *all*. Congress had hardly more than an advisory power at the best. It had no power to prevent or punish offenses against its own laws, or even to perform effectively the duties enjoined upon it by the Articles of Confederation. It alone could declare war, but it had no power to compel the enlistment, arming, or support of an army. It alone could fix the needed amount of revenue, but the taxes could only be collected by the States at their own pleasure. It alone could decide disputes between the States, but it had no power to compel either disputant to respect or obey its decisions. It alone could make treaties with foreign nations, but it had no power

1 See Appendix A.

to prevent individual States from violating them. Even commerce, foreign and domestic, was to be regulated entirely by the States, and it was not long before State selfishness began to show itself in the regulation of duties on imports. In everything the States were to be sovereign, and their creature, the Federal Government, was to have only strength enough to bind the States into nominal unity, and only life enough to assure it of its own practical impotence. The jealous States then felt, with considerable satisfaction, that their liberties were reasonably secure.

7. A human society bound together by no stronger ties than those provided by the **Articles of Confederation** must tend naturally to anarchy. Even during the War of Revolution the weakness of the government seemed to many to portend financial ruin and a speedy dissolution of the Union. As soon as the pressure of war was removed the symptoms of disintegration grew alarmingly worse. Congress had become a mere Rump, without dignity, without power, and without a home. It was compelled to appeal repeatedly to the States before it could obtain a quorum of members to ratify the treaty of peace. Many of the States refused or neglected to pay even their alloted shares of interest upon the public debt, and there was no power in Congress to compel payment. Eighteen months were required to collect only one-fifth of the taxes assigned to the States in 1783. The

national credit became worthless. Foreign nations refused to make commercial treaties with the United States, preferring a condition of affairs in which they could lay any desired burden upon American commerce without fear of retaliation by an impotent Congress. The national standing army had dwindled to a corps of eighty men. In 1785 Algiers declared war against the United States. Congress recommended the building of five 40-gun ships of war. But Congress had only power to recommend. The ships were not built, and the Algerines were permitted to prey on American commerce with impunity. England still refused to carry out the Treaty of 1783, or to send a Minister to the United States. The Federal Government, in short, was despised abroad, and disobeyed at home.

8. The apparent remedy was the possession by Congress of the power of levying and collecting internal taxes and duties on imports, but, after long urging, it was found impossible to gain the necessary consent of *all* the States to the article of taxation by Congress. In 1786, therefore, this was abandoned, and, as a last resort, the States were asked to pass an Amendment intrusting to Congress the collection of a revenue from imports. This Amendment was agreed to by all the States but one. New York alone rejected it, after long debate, and her veto seemed to destroy the last hope of a continuance of national union in America. Perhaps the dismay caused by the action of New

York was the most powerful argument in the minds of many for an immediate and complete revision of the government.

9. The first step to **Revision** was not so designed. In 1785 the Legislatures of Maryland and Virginia, in pursuance of their right to regulate commerce, had appointed Commissioners to decide on some method of doing away with interruptions to the navigation of Chesapeake Bay. The Commissioners reported their inability to agree, except in condemning the Articles of Confederation. The Legislature of Virginia followed the report by a resolution, inviting the other States to meet at Annapolis, consider the defects of the government, and suggest some remedy. In September, 1786, delegates from five of the Middle States assembled, but confined themselves to discussion, since a majority of the States was not represented. The general conclusion was that the government, as it then stood, was inadequate for the protection, prosperity, or comfort of the people, and that some immediate and thorough reform was needed. After drawing up a report for their States and for Congress, recommending another convention, to be held at Philadelphia, in May, 1787, they adjourned. Congress, by resolution, approved their report and the proposed Convention.

10. **The Convention** met as proposed, May 14th, 1787, being composed of delegates from all the States, with the exception of Rhode Island. Its

proceedings were secret, but an account of them was afterwards drawn up from Mr. Madison's notes. Washington, who was a delegate from Virginia, was chosen as presiding officer, and the Convention decided to transcend the instructions given to the delegates, and form an entirely new Constitution, on the ground that the work must finally be submitted to, and approved by, the people, before it could go into effect. May 29th, Randolph, of Virginia, offered the so-called "Virginia plan" for a new government. It consisted of fifteen points, of which the most important were that representation in the new Congress should be proportional to population, and that Congress should have power to compel the States to fulfill their obligations. These provisions were particularly distasteful to the smaller States, who preferred the "New Jersey plan," offered by Patterson, of New Jersey, which continued the old Confederation, but with the additional power to regulate commerce, and to raise a revenue. By this plan the smaller and larger States would still have been equal in power. June 19th the Convention rejected the New Jersey plan, and took up that of Virginia for consideration. After a long debate a compromise was made. The smaller States agreed to take a proportional share in the lower of *two* Houses of Congress, in return for an equal share in an upper House. The question of omitting or including slaves in reckoning population as a basis for representation was com-

promised by agreeing to estimate them as equal to three-fifths of the same number of whites. The friends and enemies of the slave-trade agreed not to prohibit it until 1808. Other debatable questions were adjusted in the same spirit, and in September, 1787, the Constitution of the United States was completed,[1] being, like all other sound and lasting political works, the result of wise, judicious, and even-handed compromise.

11. Any full discussion of **The Constitution of 1787** must be left to the treatises upon it. But there are some points which require notice, in view of party action upon them. Unquestionably the most important creation of the Constitution was **The Federal Judiciary.** It will be seen that the only guarantee for the observance of the Articles of Confederation was the naked *promise* of the States. This had been found to be utterly worthless. The creation of a system of United States Courts, extending throughout the States, and empowered to define the boundaries of Federal authority, and to enforce its decisions by Federal power, supplied the element needed to bring order out of chaos. Without it the Constitution might easily have proved a more disheartening and complete failure than the Articles of Confederation.

12. How far **The New Federal Government** succeeded to the sovereign rights of the States and formed a centralized government in their place

1 See Appendix B, where the Confederation is compared with it.

each must decide for himself by a study of the Constitution, and on his decision will depend generally his party membership. All agree that the new Federal Government succeeded to at least a part of the sovereign rights previously vested in the States, that the Federal Government thus obtained what it had previously lacked, the power over individuals, and that, within the sphere abandoned to it, the Federal Government is supreme. How far that sphere extends is, and it is to be hoped always will be, a great party question. The very **Preamble,** "we, the people of the United States," has been construed by one party as an assertion that the Constitution was adopted by the people *of each State for itself*, and by the opposite party as announcing the consolidation of discordant states into one powerful nation, not a mere league. All agree that it was intended "to form a more perfect union," but all do not agree as to how nearly perfect that union was to be.

13. **The Powers Granted to Congress** in Article I, § 8, should be carefully studied, for the antagonistic views of the Strict Constructionist and Loose Constructionist parties have always been most clearly shown in interpreting them. For instance, under the clauses which give Congress the power to establish post-roads, and to provide for the common defense, Loose Constructionists have claimed, and Strict Constructionists have denied, that Congress has power to appropriate public

money for the building of roads, and for general internal improvements. There is hardly a clause in this whole section upon whose interpretation and application the members of opposite parties agree, except when impelled to do so by selfish interests.

14. Is the Union a federal, or league, government, as claimed by the Strict Constructionists, or a centralized national government, as claimed by the Loose Constructionists? The question may best be answered in the words of Mr. Madison: "The Constitution is, in strictness, neither a national nor a federal constitution, but a composition of both. In its *foundation* it is federal, not national; in the *sources* from which the ordinary powers of the government are drawn it is partly federal and partly national; in the *operation* of these powers it is national, not federal; in the *extent* of them, again, it is federal, not national; and, finally, in the authoritative mode of introducing *Amendments* it is neither wholly fedĕral, nor wholly national."

15. Only thirty-nine of the fifty-five delegates to the Convention signed the Constitution, and it cannot truly be said that it really satisfied any one. Had it been entirely satisfactory to one great party, it would have been intolerable to the other. But it was a compromise in every important particular, and each party, while lamenting its own concessions, could derive some satisfaction from considering those of its adversaries. For, on the question

of its adoption, the people of the United States had at last divided into opposing parties, Federalists and Anti-federalists, though both parties varied these formal titles by the use of such spiteful and opprobrious epithets as party hatred so well knows how to invent and apply.

16. The extreme **Federalists** were anxious for a strong government, and, if possible, for a monarchy. During the secret proceedings of the Convention the report was common that the "high-flying" Federalists had induced it to call an English prince to the throne of the United States. The great mass of the party, however, had no such desire. They despised the Confederacy as a mere "rope of sand," which would fall apart at the first shock, and leave the separate States to become the successive prey of a foreign enemy, or of each other. In place of it they wished to see a strong republican government, fitted to make itself respected abroad, and obeyed at home. In supporting the new Constitution the Federalists were aided by many who were their natural opponents, but who either despaired of anything better, or were influenced by respect for the great names appended to or favoring it.

17. The extreme **Anti-federalists** wished for no Federal Government whatever, but for a continuance of the league between thirteen independent republics. The great mass of the party were united only in opposing the new Constitution,

which seemed to them fantastic and experimental, and a fit instrument to deprive the States of the liberties which they had gained by the sword. But no definite and united line of action was taken by the Anti-federalists. Many of them united with the Federalists in accepting and voting for the Constitution, but with the hope and expectation of future amendments. The whole party in a few years became a Strict Constructionist party, accepting the Constitution unreservedly, but aiming to confine the powers of the Federal Government to the letter of its terms.

18. September 17th, 1787, the new Constitution was transmitted to Congress and thence referred to **Conventions** of the several States for adoption or rejection. The opposition was chiefly in the great States of New York, Virginia, and Massachusetts, but was shown in varying degrees in all the Conventions. Many of the States followed the "Massachusetts plan," adopting the Constitution, but strongly recommending amendments to it. Even with this expedient, it was only adopted by votes of 31 to 29 in New York, 88 to 80 in Virginia, and 187 to 168 in Massachusetts. North Carolina and Rhode Island at first rejected, but more than a year afterward adopted it, their ratifications only reaching Congress in 1790.

19. According to the terms of the Constitution, it was to go into effect as soon as adopted by nine States. The contests between Federalists and

Anti-federalists lasted for months. A noble relic of the controversy is the series of papers written by Hamilton, Jay, and Madison, over the joint signature of *Publius*, explaining and defending the Constitution. They are known collectively as *The Federalist*. It was not until June 21st, 1788, that the ninth State ratified the Constitution, and it became an accomplished fact. New York and Virginia soon afterward ratified it, and only North Carolina and Rhode Island refused. July 14th, 1788, the Congress of the Confederacy, which was in session, referred the ratifications received from nine States to a committee which reported a resolution for carrying the new government into effect. There was some difficulty in deciding upon a time and place of meeting for the new Congress, but it was finally fixed at New York, March 4th, 1789. The first Wednesday of January, 1789, was appointed for the choice of electors for President and Vice-President, and the first Wednesday in February for the voting of the electors.

20. **The Constitution** has always been plain enough to guide the policy of the statesman and the decisions of the judge, and yet elastic enough to give full play to honest differences of opinion and party contest, and to fit the body politic at any time during its growth from 3,000,000 to 60,000,000 inhabitants. The first eleven Amendments were added so soon after its adoption that they may fairly be considered a part of the original instru-

ment. It was then complete, and, with the exception of the change in the manner of voting for President and Vice-President, after the disputed election of 1800, no further alteration was found necessary until the extirpation of Slavery introduced three Amendments which would have been impracticable in 1787. Even now, with the exception of the old torment of the Presidential election, there is seldom any serious suggestion of a point in which the Constitution would be benefited by a revision. Its wheels move as smoothly to-day as at any time since the inauguration of the first President. Their motion is so quiet that we are usually unconscious of our own comfort. The tests of foreign and civil war, of bitter party and personal contests, of financial convulsion and an unparalleled prosperity, have tried and approved it. The stability of our own government, compared with the radical changes in those of every other civilized nation during the past ninety years, is an honorable memorial of the political wisdom of the men who framed the Constitution of 1787, and of their descendants who have expounded and obeyed it.

CHAPTER II.

FIRST ADMINISTRATION, 1789–1793.

George Washington, President. John Adams, Vice-President. Ist and IId Congresses.

1. MARCH 4th, 1789, had been appointed for the **Ist Congress, Extra Session.** formal inauguration of the new Government, but the members elect had not yet unlearned the Confederacy's slovenly habits. It was not until April 6th that a sufficient number of members of Congress arrived in New York to form a quorum and count the electoral votes. At that time, and until 1805, no electoral votes were cast distinctively for President and Vice-President. Each elector voted by ballot for two persons. If a majority of all the votes were cast for any person, he who received the greatest number of votes became President, and he who received the next greatest number became Vice-President. When the votes were counted in 1789 they were found to be, for **George Washington,** of Virginia, 69 (each of the electors having given him one vote), for **John Adams,** of Massa-

chusetts, 34, and 35 for various other candidates. Washington received notice of his election, and, after a triumphal progress northward from his home at Mount Vernon, was sworn into office April 30th. The Vice-President had taken his place as presiding officer of the Senate a few days before.

2. Frederick A. Muhlenberg, of Pennsylvania, was chosen Speaker of the House, but the vote had no party divisions, for **Parties** were still in a state of utter confusion. Between the extreme Anti-federalists, who considered the Constitution a long step toward a despotism, and the extreme Federalists, who desired a monarchy modeled on that of England, there were all varieties of political opinion. The union between the moderate members of both parties in support of the new form of government still existed. The extreme importance of Washington lay in his ability, through the universal confidence in his integrity and good judgment, to hold together this alliance of moderate men for a time, aud to prevent party contest upon the interpretation of Federal powers until the Constitution should show its merit and be assured of existence.

3. The President selected his **Cabinet** with a careful regard to the opposite opinions of his supporters. The Treasury Department was given to Alexander Hamilton, of New York, a Federalist, and a lawyer of distinguished ability, who had served with credit in the Revolutionary War, and was considered the ablest man of his party. The

War Department was given to General Henry Knox, of Massachusetts, also a Federalist. The State Department was given to Thomas Jefferson, of Virginia, an Anti-federalist. He was the author of the Declaration of Independence, and had the confidence of all the factions of his divided party. Edmund Randolph, of Virginia, also an Anti-federalist, was appointed Attorney-General, and John Jay, of New York, a Federalist, Chief Justice of the Supreme Court.

4. Twelve **Amendments** were adopted by this Session of Congress, in order to meet the conscientious objections of many moderate Anti-federalists, and to take the place of a "Bill of Rights." Ten of these, having received the assent of the necessary number of States, became a part of the Constitution, and now stand the first ten of the Amendments. They were intended to guarantee freedom of religion, speech, person, and property. The positive requests of so many States, and the continued refusal of two States to enter the Union, were strong incentives to their adoption, and the opposition to them came mainly from the extreme Anti-federalists, who considered them delusive and insufficient, and only calculated to create a fatal feeling of security against centralized government.

5. The most important work of this Session was the **Regulation of Commerce** and the settlement of a **Tariff.** During the debate some of the Anti-federalists made an attempt to arrange the

duties so as to discriminate against England and in favor of other nations, but the attempt failed in the Senate. A Tariff Act was passed by both Houses, and approved July 4th. Its preamble stated one of its objects to be "the encouragement and protection of manufactures." This language is notable as stating the main object of the "American," or High Protective Tariff, system, thirty years before it became a party tenet. After directing the Secretary of the Treasury to prepare a plan for the settlement of the public debt, Congress adjourned September 29th, until the following January. In November, 1789, **North Carolina** finally ratified the Constitution, and entered the Union.

6. Congress met at Philadelphia, January 4th, **1st Congress, 1st Session.** 1790. January 9th Hamilton offered his famous **Report on the Settlement of the Public Debt.** It consisted of three recommendations,—*first*, that the foreign debt of the Confederacy should be assumed and paid in full; *second*, that the domestic debt of the Confederacy, which had fallen far below par and had become a synonym for worthlessness, should also be paid at its par value; and *third*, that the debts incurred by the States during the Revolution, and still unpaid, should be assumed and paid in full by the Federal Government.

7. Hamilton's **First** recommendation was adopted unanimously. The **Second** was opposed, even by Madison and many moderate Anti-federalists, on

the ground that the domestic debt was held by speculators, who had bought it at a heavy discount, and would thus gain usurious interest on their investment. Hamilton's supporters argued that, if only for that reason, they should be paid in full, that holders of United States securities might learn not to sell them at a discount, and that the national credit might thus be strengthened for all time to come. After long debate the second recommendation was also adopted.

8. Hamilton's **Third** recommendation involved a question of the powers of the Federal Government. It therefore for the first time united all the Anti-federalists in opposition to it. They feared that the "rope of sand" of the Confederacy was being carried to the opposite extreme; that the "money power" would, by this measure, be permanently attached to the Federal Government; and that the States would be made of no importance. But even this recommendation was adopted, though only by a vote of 31 to 26 in the House. A few days later, however, the Anti-federalists received a reinforcement of seven newly arrived North Carolina members. The third resolution was at once considered, and voted down by a majority of two.

9. Hamilton secured the final adoption of the third resolution by a bargain which excited the deep indignation of the Anti-federalists. A **National Capital** was to be selected. The Federalists agreed to vote that it should be fixed upon the

Potomac River, after remaining ten years in Philadelphia, and two Anti-federalist members from the Potomac agreed in return to vote for the third resolution, which was then finally adopted. Hamilton's entire report was thus successful. Its immediate effects were to appreciate the credit of the United States, and to enrich the holders of the Continental debt. Its further effect was to make Hamilton so much disliked by Anti-federalists that, despite his acknowledged talents, his party never ventured to nominate him for any elective office. Congress adjourned August 12th, 1790. During this long Session there was no further decided party contest. In May **Rhode Island** ratified the Constitution, and entered the Union, which now included all the old thirteen colonies.

1st Congress, 2d Session.

10. Congress met December 6th, 1790. Its debates were mostly on finance. Hamilton proposed the establishment of a **National Bank,** to act as financial agent of the Government. This involved another question of Federal powers, and renewed party contest. The Federalists claimed that Congress, having the undoubted power to pass all laws necessary for the collection of revenue and taxes, might constitutionally charter a bank for that purpose. The Anti-federalists claimed that such a bank was not *necessary*, though it might be *convenient*, and hence was beyond the power of Congress. This difference of opinion, trivial at first sight, continued

to be the subject of bitter party feeling, at intervals, for fifty years. The bill passed both Houses, and the President was importuned to veto it. He demanded the written opinions of his Cabinet. In the struggles of succeeding years upon the same subject, Hamilton's argument in favor of the constitutionality of a National Bank has hardly been improved upon, or added to. It prevailed in the mind of the President over those of Jefferson and Randolph, and he signed the bill.[1] At this Session the unpopular Excise Law, to provide funds for the debts assumed by the Government, passed both Houses against the opposition of most of the Anti-federalists. Congress adjourned March 3d, 1791. March 4th, **Vermont,** formerly called the New Hampshire Grants, whose people had for many years resisted New York's claim of jurisdiction over them, and had claimed to be an independent republic, entered the Union.

IId Congress, 1st Session.

11. Congress met October 24th, 1791. Jonathan Trumbull, of Connecticut, was chosen Speaker of the House. The number of Federalists was slightly reduced, but the Administration was supported generally by

1 The Bank, thus created, continued in existence until 1811, when the opposite party was in power and refused to recharter it. Another National Bank was chartered in 1816, became the object of violent attack by Strict Constructionists, and ceased to exist in 1836. Other attempts were made without success, by Loose Constructionists, to charter a National Bank, and the project slept until 1862. During the Rebellion (1861-1865) the so-called Greenback Currency was really an assumption of the power to make forced loans.

a large majority of both parties. The Anti-federalists opposed an increase of the army and of the Tariff, but both bills became law. An Apportionment Bill was also passed at this Session, which had no party interest. It increased the number of the House of Representatives to 105. Congress adjourned May 8th, 1792. June 1st **Kentucky,** formerly a part of the State of Virginia, entered the Union.

12. **Party Organization** may be considered as fairly begun about the close of this Session. The occasional irritation shown in the debates is an evidence that the first ill-defined estimate of the new scheme of government was giving way to positive and settled opinions of its powers, and of the policy which should be followed in managing it. It is probable that a majority of the American people were Anti-federalist in 1789, although the Federalists, by the active assistance of many of their natural opponents, had gained the Executive, the Senate, the House, the Judiciary, and most of the State Legislatures, and were able to defeat the disagreeing factions known collectively as Anti-federalists. In 1792 affairs were beginning to settle into a more natural order. The various Anti-federalist factions, by union in resisting the Federalists, had learned to forget minor differences, and had been welded into one party which only lacked a name. That of Anti-federalist was no longer applicable, for its opposition to the Federal Union had entirely ceased.

13. A name was supplied by Jefferson, the recognized leader of the party, after the **French Revolution** had fairly begun its course. That political convulsion had, for some time after 1789, the sympathy of both Federalists and Anti-federalists, for it seemed the direct outgrowth of the American Revolution. But, as its leveling objects became more apparent, the Federalists grew cooler and the Anti-federalists warmer toward it. The latter took great pains, even by dress and manners, to show the keenness of their sympathy for the Republicans of France, and about this time adopted the name **Democratic-Republican**, which seemed sufficiently comprehensive for a full indication of their principles. This has always been the official party title. It is now abbreviated to Democratic, though the name Democrat was at first used by Federalists as one of contempt, and the party called itself Republican, a title which it could hardly claim with propriety, for its tendency has always been toward a democracy, as that of its opponents has been toward a strong republic. The name Republican, therefore, belongs most properly to its present possessors (1890). But it must be remembered that the party which will be called Republican until about 1828 was the party which is now called Democratic.

14. The tendency toward **Party Division** was shown even in the Cabinet. Hamilton and Jefferson were influenced by personal antagonism and

suspicion, as well as by political opposition. In this, as in everything else, they were the perfect representatives of their parties. In Cabinet meetings they were, in Jefferson's own words, "pitted against one another like game-cocks," to the great grief of the President, who could not see in their wrangling the inevitable operation of political repulsions, which he would not be able to control much longer, either in the Cabinet or in the country.

15. At the request of both Federalists and Republicans, Washington consented to serve as President a second time, so that only the Vice-Presidency was left as an object of party contest. For this office the Federalists supported John Adams, and the Anti-federalists supported George Clinton, of New York. To have supported Jefferson would have cost the vote of Virginia, whose electors could not have voted for Washington and Jefferson, both from Virginia. The **Presidential Election** took place November 6th, 1792, and resulted in the success of the Federalists.

16. Congress met November 5th, 1792. Its meas- **IId Congress, 2d Session.** ures had reference mainly to the raising and expenditure of the revenue, in regard to which the Republicans had not yet settled upon any united course of action. The only party contest of the Session was an unsuccessful attempt of the Republicans to pass a vote of censure upon their enemy Hamilton for his management of the Treasury, and for his indignant and

somewhat discourteous language in a message to the House. In February, 1793, the electoral votes were counted, and were found to be, for George Washington 132 (each of the electors having given him one vote), for John Adams 77, for George Clinton 50, for Thomas Jefferson 4, and for Aaron Burr 1. **Washington** was therefore declared elected President, and **Adams** Vice-President. March 2d, 1793, Congress adjourned, and March 4th, Washington and Adams were sworn into office.

CHAPTER III.

SECOND ADMINISTRATION, 1793–1797.

George Washington, President. John Adams, Vice-President.
IIId and IVth Congresses.

1. EARLY in April, 1793, news was received that France had declared war against Great Britain and Holland. It excited the sympathies of the American people for their sister republic, even though that republic was the aggressor. One of the great parties specially affected the leveling principles avowed by the French Republicans, and the opposite party would not have objected to their limited success. There was no open war party as yet, though many considered the treaty (of 1778) still in force, which bound France and the United States to offensive as well as defensive alliance. The country was in a position to drift easily into war as an ally of France ; and many of its citizens were certain to criticise severely any act of their own government which seemed unfriendly to the French Republic.

2. Washington always deliberated slowly and

calmly, though he was immovable when he had decided. He consulted his Cabinet, and by their unanimous advice determined, notwithstanding the inevitable unpopularity of the act, to regard the former treaty as nullified by the change of government in France, and to issue his **Proclamation of Neutrality** between the French Republic and her enemies. The proclamation roused intense anger. For the first time the extreme Republicans, who might now almost be called the French party, assailed the President personally. He was accused of being an enemy to France and republican institutions, of usurping the functions of Congress in the decision and announcement of peace and war, and of setting at naught a solemn treaty, to whose observance the faith of the country was pledged.

3. The bitterness of the pro-French newspapers was increased by the arrival of **Citizen Genet,** who had been accredited by the French Republic as Minister to the United States. He had reached Charleston, S. C., April 8th, and, misled by the warmth of his reception, he entered on and persisted in a course which would only have been pardonable if he had been still on French soil. He began to commission cruisers from American ports, which captured British vessels even in American waters. He created courts for the trial and condemnation of such prizes, and began to raise money and enlist men for the service of France.

The British agent complained of these violations of neutrality, and Genet was informed by Jefferson that they must cease. Two of his American recruits were arrested and committed to jail. Against this Genet remonstrated in offensive language, and, making Philadelphia his headquarters, persevered in breaking the law.

4. He was encouraged by the so-called **Democratic Clubs** which had been formed by the more violent Republicans, in imitation of the Jacobin clubs of France. They had adopted the wildest follies of their French prototypes. They had changed their aristocratic title of Mr. to Citizen, and their daughters were married under the name of Citess. They were even scandalized by that relic of European aristocracy, the spread eagle upon public papers. To Republicans of this type the character and past services of Washington were no bar to the severest denunciation of his conduct to Genet and the French Republic.

5. Through the Summer of 1793 the insolence of Genet toward the President and the Cabinet became still more offensive, and his subordinates imitated their chief. The French consul at Boston, with a body of marines from a French war vessel in the harbor, rescued a libeled vessel from the United States Marshal. An American privateer under French colors left Philadelphia in flat defiance of direct orders from the Federal Government. French officers in Georgia began to organize expe-

ditions against the American possessions of Spain, with which country France was now at war. Finally Chief Justice Jay, and Senator King, of New York, declared over their signatures in a New York newspaper that Genet had in private declared his intention to appeal from the Government to the people. To the astonishment of Genet, who seems not to have been aware of the extent to which free political discussion may harmlessly be carried, this announcement alienated from him all but the most violent of his former supporters. His popularity was gone. The American Government asked his recall, and until this took place in the following winter his only noteworthy action was his declaration that Chief Justice Jay and Senator King had told a falsehood.

6. Congress met December 2d, 1793, with a slight **IIId Congress, 1st Session.** Republican majority in the House, where F. A. Muhlenberg, of Pennsylvania, a Republican, was chosen Speaker. The doubtful vote, however, was still so large that there was no real party majority. The President's Proclamation, and his treatment of Genet, were approved, though not warmly, in the House, where there was increasing **Hostility to England,** provoked by England's systematic neglect of the interests and feelings of the United States.

7. **England** had never accredited a resident Minister to the United States, and had refused to

carry out those articles of the Treaty of 1783 which bound her to surrender her military posts on United States soil, and to pay for slaves carried away by her armies. It was firmly believed that her agents had interfered to prevent treaties of peace with the savages of the North-West, and had incited them to renewed attacks upon the frontier settlements. An unexpected treaty of peace between Portugal and Algiers, which had let loose the Algerine pirates for a warfare upon the Atlantic against unprotected American commerce, was attributed to English intervention. The impressment of American seamen, under color of their resemblance to Englishmen, was a growing grievance. All English ships of war had been ordered, on the 8th of June, 1793, to stop vessels bound for France with corn, and compel them to change their course to an English port. This blow at American commerce with France had been supplemented by a further order of November 6th, that all such vessels should be seized and sent to Great Britain for trial by English courts. Her refusal to evacuate the Western posts was grounded on the unjustifiable neglect of the United States to enforce that article of the Treaty of 1783 which provided for the payment of debts due to British subjects. For her further offensive measures no justification was offered, except her sovereign will. She acted apparently under the belief that the United States were the concealed, but soon to be the avowed, ally of her enemy, and thus she con-

tributed in no small degree to swell the current of anti-English feeling.

8. The retaliating orders and decrees of Great Britain and the French Republic had already injured American commerce. In an **Official Report** of December 16th Jefferson advised friendly arrangements for their cessation, if possible, and, in default of these, active retaliation upon the offending nation. As England was more likely to be the offender, the Republicans promptly adopted the suggestion, and, January 4th, 1794, Madison introduced resolutions imposing prohibitory duties upon English goods. They were debated, at intervals, for two months, but finally failed.

9. The **Debates** of this Session were mainly upon commercial matters. The Federalists wished to form a navy, and to maintain neutrality between England and France, which was all that England's course allowed them to ask. The Republican policy was a mixture of two opposites. It called for a prohibition of trade with England, or, at the least, for discriminating duties against English imports, and yet opposed any naval preparation for the war to which such a policy must have led. Parties were so evenly divided, and the doubtful vote changed sides so frequently that in the middle of April, 1794, no decided result has been reached.

10. An unlooked-for step was taken by the President, April 16th. He nominated **Chief Justice Jay** to be Envoy Extraordinary to England, for

the purpose of preserving peace by a new treaty. The Senate, where the Federalists had a small majority, confirmed the nomination. The Republicans of the House, on the 18th, endeavored to baulk the mission in advance by a resolution entirely prohibiting trade with England. The Senate rejected the resolution, and Jay sailed for England.

11. **Party Contests** were numerous throughout the Session. The Federalists succeeded in passing a system of indirect taxation to provide for the increased expenses of the Government, the Republicans voting for direct taxes. A Federalist bill to prevent such practices as Genet's was opposed by the Republicans, and bitterly denounced by the Democratic clubs, but was passed with some modifications. Some of the Republicans again attempted, and again without success, to pass resolutions censuring Hamilton's management of the Treasury. The Republicans had been alarmed by a decision of the Supreme Court that an action brought by a citizen of the United States would lie against a State, just as against any other corporation. At this Session, therefore, an Amendment was adopted, securing States against suit in United States Courts. It was afterwards ratified by the necessary number of States, and became the **XIth Amendment,** which has enabled so many States to repudiate debt with impunity. Congress adjourned June 9th, 1794. Genet's actions had pre-

viously been disavowed by a new Revolutionary Government in France, and Fauchet sent in his stead.

12. Before Congress re-assembled the so-called **Whiskey Insurrection** against the enforcement of the Excise Law had been suppressed. It had no political results, except as it strengthened Federalism, by strengthening popular sympathy with the Administration. It was also one cause of the downfall of the Democratic clubs, which Washington had publicly and officially, though perhaps mistakenly, declared to be the instigators of the Insurrection. They thus lost popularity, and the overthrow of Robespierre and the French Jacobin clubs was soon followed by the ignominous death of their American imitations.

13. Congress met November 3d, 1794. In January 1795, Hamilton felt compelled to leave the Cabinet, and resume the practice of law in New York. His last official act was the arrangement of a plan of **Internal Taxation,** which was offered to Congress, and furnished material for debate throughout the Session. It was adopted against the opposition of most of the Republicans. Congress adjourned March 3d, 1795.

IIId Congress, 2d Session.

14. Jay had concluded a **Treaty with England,** which did not satisfy him, but was the best that he could procure. It reached America March 7th, and was sent to the Senate in Special Session

June 8th. It was ratified by the necessary two-thirds majority, and only awaited the signature of the President to become law. Popular curiosity was stimulated by the secrecy of the debates. When, on the 29th of June, a Senator in violation of his word gave a partial copy of Jay's Treaty for publication, and it was found that by its terms England was still at liberty to impress American seamen, to harass American commerce, and to shut it out from the West India trade, the wrath of the Republicans rose to fever heat, and Federalists could hardly contrive an apology for a surrender with which they also were generally dissatisfied. In all the large cities public meetings condemned the treaty, and called upon the President to withhold his signature.

15. But **The President** felt that a treaty of some kind was necessary, and that no better one could then be obtained. He therefore signed it. Hitherto criticisms on Washington's policy had not been uncommon, but his action in signing Jay's Treaty brought out aspersions upon his private character, which were carried so far that he declared "he would rather be in his grave than in the Presidency." He was charged by the extreme Republicans with usurpation, treason to his country, and hostility to her interests. The continued sufferings of American prisoners in Algiers were ascribed to his criminal indifference. He was accused of having shown incapacity during the Revolution, and

of having embezzled the public funds while President. He was threatened with impeachment, with assassination. Even the honored epithet so long given to him was burlesqued, and Washington was for a time known to the Republicans as "The Step-Father of his Country." And yet, within a year, his unyielding common sense was justified by a revival of trade which gained friends for Jay's Treaty, even among its formerly bitter opponents.

16. Congress met December 7th, 1795, with a small Federalist majority in the Senate, and a Republican majority in the House, though even there the Federalists succeeded in choosing Jonathan Dayton, of New Jersey, Speaker. The Senate, in reply to the President's Message, echoed his words, but the Republican majority in the House, in order to censure the President indirectly, voted down the first sentence of their committee's draft of a reply, including an expression of "their confidence in the President, and their approval of his course."

IVth Congress, 1st Session.

17. March 1st, 1796, the President sent to Congress a copy of his proclamation, announcing to the people that the treaty with England, having been ratified by the Senate and signed by the President, had become law. In the House this caused dissatisfaction, and, against the wishes of some of the moderate Republicans, a resolution was passed, March 2d, calling upon the President to send to the House all papers relating to Jay's Treaty. The

President refused to do so, giving as his reason that the House was not a part of the treaty-making power of the Government. The House retorted by another resolution declaring its right to decide on the necessity of any treaty by which public money was to be expended.

18. From the Federalist side of the House a resolution was then offered, declaring that provision ought to be made by law for carrying the treaty into effect. The **Debate** upon this resolution, in which Fisher Ames, of Massachusetts, led the Federalists, lasted until April 29th. By that time public opinion had pronounced in favor of the treaty too emphatically to be disregarded just before a Presidential election. The Republican majority yielded and the resolution was passed. The beginning and the end of the Session were taken up by debates upon the revenue, in which an increase of duties upon imports was urged by the Federalists, but successfully opposed by the Republicans. Congress adjourned June 1st, 1796. On that day **Tennessee,** formerly a part of North Carolina, became a State of the Union.

19. During the Summer of 1796 preparations were begun, and electors were nominated for the Presidential election in November. Washington's hold was stronger upon the people than upon the politicians, and he was importuned to accept a third term of office. Electors nominated by both parties were called upon to promise that, if elected, their

first votes should be given for Washington. His decision to retire to private life could not be altered, but he decided to publish it in a form which should always remain as his answer to the attacks upon him, which had been made, to use his own words, "in terms so exaggerated and indecent as could scarcely be applied to a Nero, a notorious defaulter, or even to a common pickpocket."

20. **Washington's Farewell Address** to the American people is dated September 17th, 1796. It consists of a modest estimate of his own services to the new Government, a congratulation that the circumstances which gave a temporary value to those services were past, an appeal to the people to preserve intact the unity of the Government, to put down party spirit, and to make religion, education, and public good faith the basis of government, and, lastly, a needed warning against the admission of any foreign influence upon American councils. It can hardly be read without renewing the conviction that George Washington was an unconscious but sincere Federalist, though hardly a fair critic of party spirit, a modest Christian, a devoted lover of country, and a great, unselfish man.

21. The Farewell Address was the preliminary to the first contested **Presidential Election**. The Constitution had fairly shown its merits. Its continued existence was assured, and there was no longer any necessity for keeping the political peace between the two great parties. No formal nomina-

tions were made, but it was understood that the Republican electors would cast their votes for Thomas Jefferson, of Virginia, and Aaron Burr, of New York, and the Federalist electors for John Adams, of Massachusetts, and Thomas Pinckney, of Maryland. Hamilton's ardent political zeal had made so many enemies that he was not considered a suitable candidate. The Federalists claimed support as the authors of the Government, the friends of neutrality, peace, and prosperity, and the direct inheritors of Washington's policy. The Republicans claimed to be the friends of liberty and the rights of man, the advocates of economy and of the rights of the States, and refused to recognize their opponents as the inheritors of any policy but that of England. The Presidential election took place in November, 1796,[1] and the French Minister undertook to influence it by an extraordinary "Address to the American People," in which he hinted that his Government would cease intercourse with the United States unless the Republicans were successful. Federalist electors were chosen in most of the Northern States, while the Southern States, with the exception of Maryland, generally chose Republicans. The result was a slight Federalist majority.

IVth Congress, 2d Session.

22. Congress met December 5th, 1796, but its proceedings gave little opportunity for party contest.

1 Until about 1824–1828 electors were generally chosen, not directly by the people, but by the Legislatures of the various States.

In the House an attempt was made to renew the last year's expression of want of confidence in Washington, but it was defeated. In February, 1797, the electoral votes were counted, and were found to be, for John Adams 71, for Thomas Jefferson 68, for Thomas Pinckney 59, for Aaron Burr 30, and the rest scattering.[1] **John Adams** was therefore declared to be elected President, and **Thomas Jefferson** Vice-President. The Executive was thus Federalist, with a possibility of a Republican succession, in case of the death, disability, or impeachment and removal of the President. It was plain that a mode of election which offered so much temptation to the cupidity of party or the caprice of fortune was faulty, and could not endure. A further experience of its danger, however, was needed to enforce its amendment. Congress adjourned March 3d, 1797. March 4th Adams and Jefferson were sworn into office.

1 Two electors obstinately voted for George Washington.

CHAPTER IV.

THIRD ADMINISTRATION, 1797–1801.

John Adams, President. Thomas Jefferson, Vice-President.
Vth and VIth Congresses.

1. THE beginning of Adams's Administration was marked by a more open manifestation of bad feeling on the part of the **French Republic,** which was ascribed by the Federalists to the anger of the French Directory on account of the Republican defeat, and by the Republicans to the anxiety of two successive Federalist Administrations to be in close dependence upon England. In 1797, Monroe, an ardent Republican, who had been Minister to France, was recalled, and C. C. Pinckney was sent in his place. On Monroe's departure from Paris the French Directory announced, in studied terms of affection for the American people and of contempt for the American Government, their intention to receive no more American Ministers until their grievances were redressed. Prominent among these grievances was Jay's Treaty. At the same time Pinckney was ordered to quit the territory of France at once.

2. Upon receipt of this news the President hastily called an Extra Session of Congress for the 15th of May. Both branches had Federalist majorities, and Jonathan Dayton, of New Jersey, was chosen Speaker of the House. The main business of the Session was to listen to an **Address of the President** in which he announced his intention to send three envoys to France, as a last effort to obtain peace. Many of the Republicans considered the whole trouble to be the result of Federalist intrigues, but a majority of both Houses approved the President's course. Congress adjourned July 10th, 1797, and the envoys soon after departed for France. Through the Summer of 1797 parties remained as before, each accusing the other, perhaps with equal justice, of a willingness to sacrifice the interests of America to those of a foreign country. A foreign traveler about this time said that there seemed to be in America many English, many French, but very few Americans.

Vth Congress, Extra Session.

3. The envoys to France, after patiently enduring for months a treatment unworthy of the ambassadors of a free people, including a demand for a bribe to the French Directory, and a loan to the French Republic, as preliminaries to any negotiation, received peremptory orders to quit France, and returned with empty hands. Their mission is frequently called **The X.Y.Z. Mission,** from the letters concealing the names of those who demanded the

bribes. In the mean time French attacks on American commerce, which had hitherto been cloaked to some extent by a pretense of respect for international law, had now become an open warfare. American shipping papers were a sufficient warrant for the capture and condemnation of the vessels which carried them.

4. Congress met November 13th, 1797. At first **Vth Congress, 1st Session.** the Republican disposition to tolerate almost any treatment from France was continued, and early in 1798 the House voted down a proposition to arm American vessels. April 8th the Senate voted to publish the X.Y.Z. letters, and the dispatches of the envoys. To England they seemed of such importance that they were sent everywhere in Europe to excite feeling against France. In America one burst of indignation from the Federalists converted many of the Republicans, and silenced the rest. "Millions for defense; not one cent for tribute" became a rallying cry, in and out of Congress.

5. Under the influence of the **War Spirit** a number of acts were passed to place the nation in readiness for hostilities. A provisional army was ordered, of which Washington was commissioned Lieutenant-General. American men-of-war were ordered to seize any French vessels which should commit depredations on American commerce. Intercourse with France was suspended. The treaties with France were declared no longer binding upon

the United States, and authority was given to the President to issue letters of marque and reprisal. So far, the acts passed were only the natural evidences of a nation's outraged dignity. But the Federalists, intoxicated by the possession of unrestrained power, and hurried on by an instinctive passion for strong government, proceeded to force through two acts which were well calculated to convince the popular mind of their disregard for the Constitution, They seem, indeed, to have been in the end the death warrant of the Federal party.

6. June 25th the so-called **Alien Law** was passed. It authorized the President to order any alien whom he should judge to be dangerous to the peace and liberties of America to depart from the United States, and made provision for the fining and imprisonment of such aliens as should refuse to obey the President's order. July 14th the so-called **Sedition Law** was passed. It imposed a heavy fine and imprisonment upon such as should combine or conspire together to oppose any measure of Government, and upon such as should utter any false, scandalous, or malicious writing against the Government, Congress, or President of the United States. This act was to remain in force until March 3d, 1801. Congress adjourned July 16th, 1798.

7. These two tremendous statutes were such a stretch of power as had not been ventured upon since the Revolution. Without them, the open

attempts of the French Directory to dictate a government and policy to the United States, their discriminating kindness to the Republican member of the mission to France, and the patriotic and successful stand taken by the Federalist Administration, would almost have insured the government to the Federal party for the future. It was evident that the Republicans believed that these two statutes were aimed at them as a party, and were unconstitutional and in violation of the Ist Amendment, which prohibited Congress from passing any law to abridge freedom of speech or of the press. And it should have been evident to the Federalist leaders that, when the war feeling should subside, popular opinion would incline to the Republican view, unless the statutes were repealed as soon as the necessity for them was past.

8. It will be seen that, during the next year, France denied any knowledge of the agents who had demanded bribes, and hastened to conclude a peace. But, though preparations for war were then at an end, the Federalists persisted in enforcing prosecutions under the Alien and Sedition Laws, even in the doubtful States, New York, Pennsylvania, and New Jersey. Though this excited public resentment, it came too late to influence the election for members of the VIth Congress, in which the Federalists, by the help of the war feeling, were completely successful. Seeing no hope of present success in Congress, the Republican leaders deter-

mined, if possible, to entrench themselves in the State Legislatures, and, through them, to protest against measures which they were unable to resist. To this end a series of resolutions, the authorship of which is disputed, was adopted by the Legislature of Kentucky, and a similar series, put in form by Madison, was adopted by the Legislature of Virginia. These are known as the **Kentucky,** and the **Virginia, Resolutions of 1798**. They are interesting as the first authorized proclamation of the Strict Constructionist party, though allowance must be made for the excited state of political feeling at the time of their passage.

9. The **Virginia Resolutions** declared that the Constitution was a compact by which the States had surrendered only a limited portion of their powers; that whenever the Federal Government undertook to step over the boundary of its delegated authority it was the right and the duty of *the States* to interpose, and maintain the rights which they had reserved to themselves; that the Alien and Sedition Laws were an usurpation by the Federal Government of powers not granted to it, since the abridgment of liberty of speech or of the press had been expressly forbidden by the Constitution; that the State of Virginia solemnly declared those laws to be unconstitutional, and appealed to the other States, to join in that declaration; and that her Governor should be instructed to transmit copies of these resolutions to the Governors of

other States to be laid before their Legislatures. The response from other States was unfavorable, and Virginia repeated her resolutions the next year, 1799.

10. The **Kentucky Resolutions** were to the same general effect as those of Virginia, but with the additional declaration that *the States* were one party to the compact, and the Federal Government was the other, and that each party must be the judge of infractions of the agreement, and of the mode and measure of redress. The next year the Kentucky Resolutions of 1799 were passed. They declared "nullification" to be "the rightful remedy"; but, as they announced at the same time that the commonwealth "bowed to the laws of the Union," while solemnly protesting against the obnoxious laws, it is apparent that they had in view no such "nullification" as that attempted by South Carolina in 1832.[1] The New England opposition to the Embargo in 1808[2] was a fair example of the first idea of "nullification"—a combination of a State legislature, executive, and judiciary to impede stubbornly, but peaceably, the execution of an unconstitutional law.

11. Congress met December 3d, 1798, with a **Vth Congress, 2d Session.** continued Federalist majority. **War against France** had not been formally declared, but a species of warfare existed upon the ocean, in which American privat-

1 See p. 120. 2 See pp. 71, 78.

eers, armed merchantmen, and even ships of war engaged in conflicts with French vessels. Both parties agreed in voting an increase of the navy, but an increase of the army was earnestly opposed by the Republicans, who believed that this and similar warlike measures were only urged by the Federalists from a desire for party aggrandizement by providing commissions for their party leaders. The President seems to have become at least a partial convert to this view, for in February, 1799, without consulting his Cabinet, and in spite of his expressed determination to send no more ministers to France until assured of a friendly reception, he suddenly appointed three envoys to that country. Two of the Cabinet protested against this action of the President. Their protest was sustained by leading Federalists throughout the country, and the President began to lose, to some degree, the support of the party which had elected him. Congress adjourned March 3d, 1799.

12. The difficulties of the Federalists were now increased by an evident dissension between Hamilton, who was the real leader of the party, and Adams, who was its nominal head. No open quarrel had as yet taken place. But when the envoys to France, who had waited until November for assurances of a friendly reception, were ordered to depart by the President, again without consulting his Cabinet, his apparent eagerness for peace and distrust of Hamilton widened the breach between them. The

envoys were successful in arranging a treaty with Napoleon Bonaparte, who was then at the head of the French Directory.

13. Congress met December 2d, 1799, with a **VIth Congress, 1st Session.** stronger Federalist majority. Theodore Sedgwick, of Massachusetts, a Federalist, was chosen Speaker of the House. There was little party contest in this Session. The Federalist majority had been chosen during the war fever, immediately after the ignominious return of the envoys to France, and neither represented nor felt the undercurrent of irritation which the continued enforcement of **The Alien and Sedition Laws** was increasing. The Republican minority were kept in check, through their leaders, by Jefferson, who preferred to allow the popular excitement to work until the Presidential election of 1800. During the Session caucuses of Members of Congress nominated Presidential candidates.[1] The Federalist candidates were John Adams, of Massachusetts, and C. C. Pinckney, of South Carolina, and the Republican candidates were Thomas Jefferson, of Virginia, and Aaron Burr, of New York. Congress adjourned May 14th, 1800.

14. The first important election took place in New York, April 28th, and resulted in the choice of a Republican Legislature, by whom electors were to be chosen. At this first token of **Fede-**

1 Nominating Conventions were not called until 1832.

ralist Defeat the slumbering animosities of the party broke forth. The President dismissed a part of his Cabinet, consisting of Hamilton's friends, whom he called a "British faction." Hamilton printed a severe attack upon the President, and endeavored to make arrangements for giving Pinckney a majority of Federalist electors, that he might be chosen President, and Adams Vice-President. The **Presidential Election** took place in November, 1800. In spite of Federalist divisions the result was doubtful until the vote of South Carolina turned the scale, and gave the Republican electors a majority.

15. Congress met in the new Federal city of **VIth Congress, 2d Session.** Washington, November 17th, 1800. The session was mainly occupied by **The Undecided Presidential Election,** caused by the defective provisions of the Constitution. In February, 1801, the electoral votes were counted, and were found to be, for Jefferson 73, for Burr 73, for Adams 65, for Pinckney 64, and for John Jay 1. There was no name highest on the list. Consequently there was no choice, and an election was to be made by the House of Representatives between the two highest candidates, each State having one vote. It is impossible to say why the Republican leaders, or electors, did not foresee this mischance. The difference of one vote between Adams and Pinckney would seem to show that at least one Federalist elector was acute

enough to waste a vote and avoid a possible tie, for South Carolina's votes, if cast as was hoped by some Federalists for their candidates, would then have seated both these without trouble.

16. The House was Federalist, but was restricted to a choice between two Republicans. Of the two, many Federalists preferred Burr, partly to keep the Presidency from their most dangerous enemy, Jefferson, and partly to baulk the evident intention of the Republicans. The balloting began February 11th. Eight States voted for Jefferson, six for Burr, and two were without votes because of equal division among their members. There being sixteen States there was even yet **No Election.** Balloting continued with the same result for six days, and the Federalist majority was charged with a design to prolong the balloting in this way until March 4th, the day of inauguration, and then to make Chief Justice Jay provisional President. The charge was denied by the Federalists. Fortunately the trouble came to an end February 17th, when ten States voted for Jefferson, four for Burr, and two blank. **Jefferson** was then declared elected President, and **Burr** Vice-President. Congress adjourned March 3d, 1801, and March 4th Jefferson and Burr were sworn into office.

CHAPTER V.

FOURTH ADMINISTRATION, 1801–1805.

Thomas Jefferson, President. **Aaron Burr, Vice-President.**
VIIth and VIIIth Congresses.

1. **Jefferson's Election** completed the first great political revolution in the United States since 1787, except that the Federalists still had control of the judiciary. The new President's first Inaugural Message announced the future policy of the Republican party to be the careful fostering of the State governments, the restriction of the powers of the Federal Government to their lowest constitutional limit, the immediate payment of the public debt, and the reduction of the army, the navy, the taxes, and the duties on imports, to the lowest available point. The **Republicans** were opposed to any currency but gold and silver, and some of their leaders even desired an Amendment to the Constitution denying to the Federal Government the power of borrowing money, believing that a yearly direct tax for the current expenses of the Government would compel the people to decide more carefully on questions of peace, war, and

finance. Upon most of the articles of Republican belief, the **Federalists** were more willing to give latitude and power to the Federal Government. But the hatred of the parties for each other was a little abated, though the Federalists still called their opponents Democrats and Jacobins, while the Republicans retorted with the name of "Black-Cockade Federalist," in allusion to the party badge worn by them in the time of the war fever of 1798.

2. The **Anticipations of the Federalists** for the future of the country under Republican rule were naturally gloomy. The Federal party probably contained the larger portion of the intellect, wealth, and culture of the country, and, in their honest opinion, the Government was now in bad hands. The President was "an atheist in religion, and a fanatic in politics," and the Vice-President was only more tolerable because less known. The party which supported them was composed of disorganizers, Jacobins, and revolutionists. The President felt it to be his duty to act so moderately as to give Federalist apprehensions no darker color, although he was determined to undo, so far as possible, the centralizing measures of the last Administration. With this view he took the first opportunity after entering office, to issue Executive pardons to those who were imprisoned under the Alien and Sedition Laws.

3. A troublesome problem occupied the summer of 1801. The Republicans were clamorous for

Offices, and none were vacant. They therefore demanded that Federalist office-holders should be removed to make room for Republican successors. The President followed the course he had previously marked out, removing no person merely for holding Federalist opinions, but removing all office-holders who had used their official power for party purposes, or who had been appointed by President Adams after the result of the last election had become known. The supply of offices thus placed at his disposal satisfied the most pressing demands, and for the future he trusted to the natural decrease in the ranks of the office-holders, of whom, however, he complained that "few died, and none resigned."

4. Congress met December 7th, 1801, with a small Republican majority in both branches. In the House Nathaniel Macon, of North Carolina, a Republican, was chosen Speaker. Instead of the President's address in person to both Houses of Congress, which had hitherto been the rule, the President sent a written **Message,** as more suited to republican simplicity, and succeeding Presidents have followed the example. In the debates which followed the Message the Republicans advocated and carried reductions in the army, the navy, taxes and duties. Instead of the fourteen years' residence necessary for naturalization under a Federalist law, five years were substituted.

VIIth Congress, 1st Session.

5. The remainder of the Session was occupied by debate on a proposed repeal of a **Judiciary Law** passed at the last Session, by which twenty-four new Federal Courts had been erected, with the proper complement of officers to each. The Republicans claimed that there had not been business enough to occupy the United States Courts already in existence; that the bill had been hastily drawn up and passed, after the Republican success in the last election had been assured, only in order to provide offices for Federalist leaders, who were about to be driven from power; and that President Adams had been kept busy until midnight of his last day of office in signing commissions for the judges. All this seemed to the Republicans a gross abuse of power, and they were determined to oust the "midnight judges" by repealing the law. The Constitution seemed plainly to prohibit any such repeal, and the existence of the Republican party was based upon a strict construction of the Constitution. Party necessities and vindictiveness, however, soon found available interpretations for the Constitution, and the law was repealed. The Federal party, which had founded and nurtured the Federal Government, was thus driven from its last strong hold in it, and lost forever the control of national politics, though it retained its power in New England for about ten years afterward. Congress adjourned May 3d, 1802.

6. In the Summer of 1801 news came from France

which did much to cool the pro-French partizanship of even the most zealous Republicans. France had acquired from Spain the vast territory known as **Louisiana,** stretching from the mouth to the head of the Mississippi, and indefinitely Westward toward the Pacific. The United States were thus to be hemmed in by one of the great European belligerents on the North, and by another on the South and West, and the policies and alliances of Europe were to be extended to the Western Continent. The President at once directed the American Minister at Paris to lay the strongest remonstrances before the First Consul. He was ordered to declare that, while the present possession of Louisiana by a weak nation like Spain would be tolerated, its transfer to a strong, active, colonizing power like France would immediately drive the United States into close alliance with England, and that, in short, the foreign possessor of New Orleans must be the enemy of the United States.

7. Congress met December 6th, 1802. **The VIIth Congress, 2d Session. President's Message** stated that $8,000,000 of the public debt had been paid during the year, and called attention to Spain's unfriendly action in closing New Orleans, which she still controlled, against American commerce. Resolutions condemning Spain's conduct were introduced and passed by the Republicans. A constitutional Amendment changing the mode of the Presidential

election was debated, but did not obtain the necessary two-thirds vote. Some of the Republicans made an unsuccessful attempt to abolish the Mint, as a useless piece of expense, and the Federalists were equally unsuccessful in attempting to fasten a charge of mismanagement upon the Treasury. The rest of the Session was spent in considering the Yazoo Frauds, which had no party interest. Congress adjourned March 3d, 1803.

8. **Ohio** had become a State of the Union November 29th, 1802. It was formed from the North-West Territory, which had been organized by an ordinance of July 13th, 1787. Article VI of this ordinance reads: "There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted." The ordinance of 1787 is noteworthy as an exercise by the Congress of the Confederacy of the right to exclude Slavery from the Territories. [1]

9. **James Monroe** had been sent to France to buy Florida and the island of Orleans. France was preparing for renewed war with Great Britain and was in need of money. Monroe therefore transcended his instructions, and made a bargain

1 It will be found that the language of this ordinance was copied in the efforts made in 1819 (Missouri), 1846 (Wilmot Proviso), and 1865 (XIIIth Amendment), to assert and maintain for the Federal Congress under the Constitution this power of regulating and abolishing Slavery in the Territories of the United States, and finally, in the States as the result of civil war.

for all Louisiana for $15,000,000. The President at once agreed to it though he believed that the Constitution gave the Federal Government no power to purchase foreign territory and make it a part of the Union. But he likened his action to that of a guardian who makes an unauthorized purchase for the benefit of his ward, trusting that the latter will afterward ratify it. In this instance the ratification was prepared as an Amendment to the Constition, but was never offered, the President's action having been in effect ratified by general acquiescence in it. This course was imitated without question in several instances afterward.

10. Congress met October 17th, 1803, having been called to an early session by the President that there might be more time for discussing the **French Treaty.** Both branches had Republican majorities, and in the House Nathaniel Macon was again chosen Speaker. The Treaty was ratified, and appropriations made for its execution, after a debate which was almost a repetition of that on Jay's Treaty in 1795, each party, however, citing the arguments and resolutions then offered by the opposite party. During this Session the manner of the Presidential election was amended to the form which it has at present. Having been ratified by the necessary number of States, this became the **XIIth Amendment.** Articles of impeachment were voted by the House against a Federalist

VIIIth Congress, 1st Session.

Judge, Chase, of Maryland, for arbitrary and oppressive conduct in trying cases under the Alien and Sedition Laws. Congress adjourned March 27th, 1804.

11. The Republicans offered the President and George Clinton of New York, as their Presidential candidates. Burr had come too near the Presidency in 1804 to be made prominent again with Jefferson's consent. He was therefore dropped, and Clinton took his place. The Federalists offered as their candidates Charles C. Pinckney, of South Carolina, and Rufus King, of New York. The **Presidential Election** in November resulted in the overwhelming defeat of the Federalists, who carried only Connecticut and Delaware, with two electors in Maryland.

12. Congress met November 5th, 1804. The **VIIIth Congress, 2d Session.** Session was mainly occupied by the **Trial of Judge Chase** by the Senate, on articles of impeachment prepared by the House at its last Session. Unfortunately the trial became a party struggle. The Federalists espoused the cause of Judge Chase, and the Republicans were determined to convict him. Vice-President Burr, who presided at the trial, had shot Hamilton in a duel near New York in July, 1804, and thus deprived the Federalists of their ablest leader. But his impartiality and contempt for party demands during the Chase trial went far to induce them to condone his offense.

A sufficient number of Senators did not vote to condemn Judge Chase on any one charge, and he was found not guilty on all. The angry disappointment of the Republicans led them to introduce several Amendments to make impeachment and conviction more easy and certain, but none were adopted. In February, 1805, the electoral votes were counted, and were found to be, 162 for Jefferson and Clinton, and 14 for Pinckney and King. **Jefferson** and **Clinton** were therefore declared elected. March 3d, 1805, Congress adjourned, and March 4th Jefferson and Clinton were sworn into office.

CHAPTER VI.

FIFTH ADMINISTRATION, 1805–1809.

Thomas Jefferson, President. George Clinton, Vice-President. IXth and Xth Congresses.

1. CONGRESS met December 2d, 1805, with an overwhelming Republican majority in both branches. Nathaniel Macon was again chosen Speaker in the House. **Federalism** still retained control of New England, with the exception of Vermont. In the other States it seemed to be dead or dying. But New England's influence was so much greater than its proportionate size that the party which controlled it was certain to be at least a strong minority in national politics.

IXth Congress, 1st Session.

2. The Napoleonic wars still continued, and Great Britain and France were using every expedient to cripple each other, without regard to the rights of neutral nations. While the President was anxious to defend American commerce, he was averse to increasing the expenses of his Administration by building a navy. He therefore recommended, and Congress adopted, a plan for the building of a

number of small gun-boats, as more economical than ships of war. This "**Gun-boat System**" was always hateful to the navy, and was a constant object of Federalist ridicule and attack.

3. The President again called the attention of Congress to the unfriendly actions of the Spanish authorities at New Orleans. His Message on this subject was referred to a committee of which **Randolph,** of Virginia, was chairman. Randolph had been one of the Republican leaders while the party was in opposition, but his irritable spirit disqualified him for heading an Administration party. He could attack, but could not defend. He had taken offense at the President's refusal to make him Minister to England, and immediately took sides with the Federalists, followed by a number of his friends, though not sufficient to give the Federalists a majority. Randolph's committee reported resolutions which the Republicans voted down, on the ground that they were calculated to provoke a needless collision with Spain. A substitute was then passed authorizing the President to purchase the Floridas from Spain.[1] This was afterward modified by a resolution that it was advisable to exchange a part of Louisiana for East and West Florida. The Randolph faction, popularly called "**Quids,**" gave fresh life to the Federalists in Congress, and made them an active and useful opposition party.

4. Through the first three months of 1806 various

[1] This was not effected, however, until 1819.

resolutions were offered in Congress, looking toward **Retaliation upon England.** They culminated in the adoption of an Act to prohibit the importation of certain English goods after November 15th. The vote upon this bill (93 to 32 in the House, and 19 to 9 in the Senate) is a fair statement of the Administration majority at this Session. Another unsuccessful attempt was made to facilitate the removal of Federal Judges. The increase of loose constructionist ideas among the Republicans was marked by the passage of a bill for the construction of a **National Road** from Maryland to Ohio.[1] Congress adjourned April 21st, 1806.

5. The summer of 1806 was spent by the "quids" in efforts to bring Monroe back from his Mission to England, to be used as a Presidential candidate against Madison, whom the President was supposed to favor. The late Vice-President, **Burr**, came up again to public notice, by a mysterious expedition down the Mississippi, by which he hoped to retrieve his fallen fortunes. It was not known whether its object was colonization, an attack upon the Spanish possessions, or the founding of an independent western empire. The President, by proclamation, cautioned all citizens not to engage in the enterprise, and gave orders for Burr's arrest.

6. Congress met December 1st, 1806. The **Pres-**

1 This was the first appearance of the question of making Internal Improvements at Federal Expense, which afterwards divided parties from 1830 until 1856.

IXth Congress, 2d Session. **ident's Message** called attention to the growing excess of receipts over expenditures, and suggested Amendments to the Constitution giving Congress the doubted power to expend the surplus on roads, canals, and education. No action was taken upon them. The Act prohibiting importations from England, passed at the last Session, was suspended until July 1st, 1807, and the President was given discretionary power to suspend it until December.

7. January 22d, 1807, the President sent to Congress the dispatches which showed the progress of **Burr's Expedition** up to that time. The Senate, in great alarm, passed unanimously a bill to suspend the writ of habeas corpus for three months, a measure repugnant to all the principles of the dominant party. Three days afterward the House rejected the bill, by a vote nearly unanimous. Congress adjourned March 3d, 1807. Burr's expedition had by this time disbanded, and its leader was on his way to Virginia, to be tried for treason, his enterprise having been begun within the limits of that State.

8. In December, 1806, a **Treaty with England** had been arranged, which was almost identical with Jay's treaty of 1795. As it left England at liberty to impress American seamen, and to search American ships, the President rejected it, without laying it before the Senate, and tried further negotiation, but without success. His action was supported by

the Republicans, and attacked by the Federalists, who were the commercial part of the community, and were anxious for almost any treaty with England. The rejection of this treaty embittered English feeling against the United States, and was probably a leading cause of the renewed English aggressions, the Embargo, and the War of 1812.

9. **Burr's Examination** began in May, 1807, before the Grand Jury in Richmond, Va. It took a party aspect almost from the beginning. The Federalists considered Burr's arrest an Executive usurpation of power. The President was determined that the result of the trial should justify his action, and became notorious for his interference in the management of the case. His letters to the District Attorney were frequent, and his anxiety for Burr's conviction roused the Federalists to greater exertions for Burr's acquittal. The counsel for defense even caused a writ to be served upon the President, commanding his personal attendance as a witness. The President refused to obey, on the ground of public inconvenience, and the matter was not pressed. The Grand Jury found an indictment against Burr. His trial came on in August, before Chief Justice Marshall, and resulted in his acquittal for want of jurisdiction. The administration was thus defeated, and abandoned any further earnest prosecution of Aaron Burr.

10. In June, 1807, the British frigate **Leopard**, off Hampton Roads, had taken by force four sea-

men from the United States frigate **Chesapeake,** after a shamefully feeble resistance. Both political parties joined heartily in the indignation excited by this outrage, and war with England would have been everywhere popular, for the day was past when parties were ready to go all lengths in support of either France or England. The President was anxious for peace, and left the matter to be settled, some years afterward, by negotiation. It would be out of place to discuss here the alternating attacks on neutral rights by the great European belligerents, before and after this date, the proclamation by England of a paper blockade of the whole French coast, the counter proclamation by France of a paper blockade of the British islands, the Orders in Council to the English navy to search neutral vessels for French goods, and the counter orders to the French navy to capture every vessel which should submit to such search.[1] England's power being the greater on the ocean, her aggressions bore most heavily on the United States, whose commerce was rapidly being destroyed.

Xth Congress, 1st Session.

11. The President, by proclamation, had warned all British armed vessels not to enter American ports, and had called an early session of Congress. It met October 26th, 1807, with a Republican majority in both branches. In the House a Republican, Joseph B. Varnum, of Massachusetts, was chosen Speaker.

1 Jefferson, in a private letter, said that "England seemed to have become a den of pirates, and France a den of thieves."

The President recommended a bill by which American vessels should be prohibited from all foreign trade, and foreign vessels from taking cargoes from the United States; all coasting vessels should be required to give bonds to land their cargoes in the United States. This was the celebrated **Embargo Bill,** which destroyed, for the time, all American commerce, intensified party feeling, and even threatened the existence of the Union. It was passed by strict party votes, being opposed vehemently by the Federalists and *quids*, on the ground that it would injure the United States rather than England, and would complete the commercial ruin which foreign attacks had begun. Having given the President the power of suspending the Embargo Act whenever it should seem advisable to him to do so, Congress adjourned April 25th, 1808.

12. **Presidential Nominations** were made at this Session by Congressional caucuses. The Republicans nominated James Madison, of Virginia, for President, and George Clinton, of New York, for Vice-President. Madison's chief competitors for the nomination were James Monroe, who was supported by the *quids* of the Virginia Assembly, and George Clinton, who was supported by a part of the New York Republicans. The Federalists nominated C. C. Pinckney, of South Carolina, for President, and Rufus King, of New York, for Vice-President. The President had been requested by the Legislatures of most of the Republican States to accept a third term, but declined.

13. During the summer of 1808 the Embargo began to bear so heavily on the commercial interests of New England and the Middle States that their complaints drowned other subjects of discussion, and took away much of the excitement of a Presidential election. The remaining strength of the Federalists was concentrated in these States, so that party bitterness aggravated financial distress. It was said that the Republican States had devised the Embargo as a substitute for war, because its ill effects would fall mainly upon the Federalist States. There was every indication that New England would obey it with reluctance. The choice, however, lay between war, an embargo, or submission. For the latter there were very few advocates. The war party was divided, some of its members wishing for war against England, others for war against France, and still others for war against both. The great majority of the people still favored the Embargo, and the **Presidential Election** in November resulted largely in favor of the Republicans. New England stood almost alone in choosing Federalist electors.

Xth Congress, 2d Session.

14. Congress met November 7th, 1808. Its proceedings were confined to resolutions and protests against French and English aggressions, and the rejection of Federalist resolutions to repeal the Embargo, until February, 1809. In that month **John Quincy Adams**, who had resigned the Massachusetts **Senatorship because his support of the Embargo**

had been disapproved by his State Legislature, informed the President that the Embargo could no longer be enforced in New England, that the Federalist leaders had made all arrangements to break off from federal relations with the rest of the Union unless the Act was repealed, and that an agent from the Canadas was then in New England to offer the assistance of the English Government to the scheme.[1]

15. Adams's warning impressed the President and the Republican leaders so much that they at once secured the passage of a modification of the Embargo, known as the **Non-Intercourse Act.** By this the Embargo was repealed, after March 4th, as to commerce with all nations excepting England and France. It was hoped that this would quiet the excitement in New England, without yielding the principle of the Embargo.

16. In February the electoral votes were counted, and were found to be, for President, 122 for James Madison, 6 for George Clinton, and 47 for C. C. Pinckney, and for Vice-President, 113 for George Clinton, 47 for Rufus King, and 15 scattering. **Madison** and **Clinton** were therefore declared elected. March 3d, 1809, Congress adjourned, and March 4th Madison and Clinton were sworn into office.

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1 Adams's accuracy has been denied, and it has even been asserted that his appointment, soon after, as Minister to Russia was the reward of his wilful falsification.

CHAPTER VII.

SIXTH ADMINISTRATION, 1809–1813.

James Madison, President. **George Clinton, Vice-President.**
XIth and XIIth Congresses.

XIth Congress, Extra Session.

1. **The Difficulties with England** were complicated, at the beginning of Madison's term of office, by an unfortunate mistake of the British Minister, Mr. Erskine, caused by his desire for peace. Shortly after the inauguration he informed the President that he was authorized by his Government to withdraw the objectionable orders to the English navy. The President therefore, by proclamation, summoned a Special Session of Congress to meet May 22d, 1809, and suspended the Non-Intercourse Act, as applied to England, after June 10th. This he was authorized to do by the terms of the Act. Congress met on the day appointed, with a Republican majority in both branches. In the House Speaker Varnum was re-elected. England had in the mean time disavowed her Minister's offer, and recalled him, and a new proclamation by the President restored the Non-Intercourse Act as before. The Federalists represented the whole misunderstanding as a Republican trick to influence the

elections. There being no business to occupy Congress, it adjourned June 28th.

2. Congress met November 27th, 1809. The **XIth Congress, 1st Session.** Republican majority was so large that every Administration measure was promptly carried, and there was little party conflict. A continuance of the Non-Intercourse Act was voted. Mr. Erskine's successor had contradicted the Secretary of State so frequently and so offensively that Congress, by a strict party vote, passed a resolution declaring his language to be insolent, and requesting the President to recognize him no longer. Congress adjourned May 1st, 1810.

3. Congress met December 3d, 1810. France **XIth Congress, 2d Session.** had managed so adroitly as to leave it in doubt whether her objectionable decrees had been withdrawn or not. The Republicans chose to consider them withdrawn, and repealed the Non-Intercourse Act, as applied to **France.** The President endeavored to induce England to withdraw her Orders in Council, but this was refused on the ground that there was no evidence of any repeal by France. The Non-Intercourse Act was therefore continued against **England.**

4. An effort was made at this Session to recharter the **National Bank,** which had been chartered in 1791 for twenty years. Opposition to such a bank was a necessary article of belief

among Strict Constructionists. But the corporation had so many Republican friends in Congress that a bill to re-charter it was favorably reported by the committees of both branches, and after long debate was defeated by a majority of only one vote in the House, and by the casting vote of the Vice-President in the Senate. Thereupon the Bank wound up its business, and ceased to act. Congress adjourned March 3d, 1811.

XIIth Congress, 1st Session.

5. Congress met November 4th, 1811. The Republican majority was still overwhelmingly large, but it contained several rising and energetic members, who afterward became party leaders, and who were now successfully urging upon the party a **Change of Policy.** Hitherto Jefferson and Madison had made it a peace party, and had carefully avoided direct conflict with France or England. The capture of over 900 American merchant vessels since 1803 had been no more effectual than such isolated outrages as the Chesapeake case in rousing the Administration to the idea of forcible resistance. Under the new leaders the Republicans became a war party. **Henry Clay,** of Kentucky, was chosen Speaker of the House. **William H. Crawford,** of Georgia, in the Senate, and **John C. Calhoun,** of South Carolina, in the House, became the recognized Congressional leaders of the party. The economical and retrenching policy of Jefferson was abandoned, and preparations were begun for hos-

tilities, against the opposition of the Federalists, and the timid or peace loving Republicans. Bills were passed to enlist men, to organize the militia, and to equip and enlarge the navy.

6. **The President** was given to understand that his nomination for a second term of office depended upon his adoption of the war policy and that his refusal to do so would cause the nomination of De Witt Clinton, of New York, in his stead. Thus pressed the President yielded, and was consequently renominated by the usual caucus of Republican members of Congress, with Elbridge Gerry, of Massachusetts, for Vice-President. Clinton refused to be bound by this bargain, and, having been nominated by a Republican caucus of the New York Legislature, persisted in his candidacy. To profit by this promising division among the Republicans, a caucus of leading Federalists, held in New York City, decided to support Clinton, with Jared Ingersoll, of Pennsylvania, for Vice-President.

7. In March, 1812, the President took the first step in fulfillment of his bargain by sending to Congress, with a special Message, certain documents, which he had purchased from one **John Henry** for $50,000. Henry claimed to have been the agent sent from Canada in 1809 to detach the New England Federalists from their allegiance to the Union, and his documents purported to show the complicity of the British Government. The

British Minister solemnly denied all knowledge of, or belief in, any such agent, but Congress, by resolution, proclaimed Henry's documents authentic, and denounced England's perfidious attack on the unity of a friendly nation. The principal effect of this episode was to outrage and exasperate the Federalists of New England.

8. As a preliminary to war an **Embargo** was laid upon American shipping for 90 days. The British Minister finally declared, May 30th, that his Government would not recede from its policy toward neutrals. Dispatches from the American agent in London informed the President that the same declaration had been made by the English Ministry in Parliament. The President therefore sent a Message to Congress, June 1st, reviewing the past and present difficulties with Great Britain. It was referred to a committee, whose report was a summary of American grievances against England; the impressment of American seamen, the Orders in Council, the system of paper blockades, and the refusal to settle American claims for damages. It concluded by recommending a declaration of war.

9. An Act was consequently passed, and signed by the President, June 18th, declaring that a **State of War** existed between the United Kingdom of Great Britain and Ireland and its dependencies, and the United States of America. Of the 98 members who voted for the war 76 were from the

South and West. On the following day the President's proclamation announced that the war had begun. We have nothing to do with its events except as they influenced politics in the United States. It was soon learned that the Orders in Council had been revoked in London five days after the declaration of war, but the revocation came too late. Even if it had been made in time, the war party would probably have insisted upon the abandonment by England of the right of search and impressment, and would have declared war on that issue. Congress adjourned July 6th, 1812. April 30th **Louisiana** had become a State of the Union.

10. The **Presidential Election** in November resulted in the success of a large majority of Republican electors, and of members of the XIIIth Congress pledged to support the Administration and the war. But the **Opposition to the War** was manifested by every legal method from its very beginning. Immediately after the declaration the Federalist members of Congress had published their protest against it in an address to their constituents. Under the Act passed by Congress to embody the militia, requisitions were made by the President upon the Governors of the different States for their respective quotas. The Governors of Massachusetts and Connecticut refused to allow their militia to leave their States on the ground that the Federal Government could not constitu-

tionally call out the militia until an invasion had taken place, or the laws of the United States had been resisted. In this, as in many other instances throughout the war, the possession of power by the Republicans inclined them toward a loose construction of the Constitution, and the Federalists toward a strict construction of it.

11. Congress met November 2d, 1812. The **XIIth Congress, 2d Session.** large Republican majority prevented any party contest. The Randolph faction, or **Quids,** had ceased to have a separate existence after its failure to nominate Monroe. Most of its members were now supporters of the Administration. The remainder, with the Federalists and those Republicans who opposed the war, had formed a **"Peace Party."** But their defection was more than compensated by the number of Federalists whom it drove into political union with the war party. In Congress both parties united in rewarding, encouraging, and increasing the **Navy,** whose brilliant exploits had intoxicated the whole nation with the unexpected consciousness that it alone, of all the nations of the earth, could match and master England upon her own element, the ocean. This Session was occupied mainly in measures necessary for the active prosecution of the war, which were all passed by party votes. In February the electoral votes were counted and were found to be, for President, 128 for Madison, and 89 for Clinton, and, for Vice-

President, 131 for Gerry, and 86 for Ingersoll. **Madison** and **Gerry** were therefore declared elected. March 3d, 1813, Congress adjourned, and March 4th Madison and Gerry were sworn into office.

CHAPTER VIII.

SEVENTH ADMINISTRATION, 1813–1817.

James Madison, President. Elbridge Gerry, Vice-President.
XIIIth and XIVth Congresses.

1. CONGRESS met May 24th, 1813, having been summoned by the President to a **Special Session** to consider the difficulties encountered in raising money for the War. The President's Message also mentioned the proffered mediation of the Czar of Russia, which England afterward declined. In the House Henry Clay, of Kentucky, was chosen Speaker, and the vote (89 to 54) represents the Administration majority. The Republican majority in the Senate was weakened by a faction opposed to the Administration. The business of this Session was mainly routine. Congress adjourned August 2d.

XIIIth Congress, Extra Session.

2. The **Dislike to the War** and its management became more apparent as it went on. The Connecticut Legislature had declared it to be the solemn and deliberate opinion of the people of that State that the war was unnecessary. So notorious was the general feeling of the Eastern States that England had endeavored to mark the political di-

vision between New England and the rest of the Union by exempting Massachusetts (which included the present State of Maine) Rhode Island, and New Hampshire, from the blockade of the Atlantic Coast.

XIIIth Congress, 1st Session.

3. Congress met December 6th, 1813. This Session was also occupied chiefly with routine business, and in efforts to improve the condition of the finances. Illicit trade from the New England coast to the English ships had become so common that a **New Embargo Act** was passed, applying to all vessels, large or small. Congress adjourned April 18th, 1814. In August occurred the sack and burning of Washington by an English expedition, an affair almost equally disgraceful to both nations.[1]

XIIIth Congress, 2d Session.

4. Congress met September 19th, 1814. **Negotiations for Peace** had been begun in August. Napoleon was, for the time, overthrown, and the American Government was anxious for almost any honorable peace, in preference to continuing the war with England. The Orders in Council had been revoked long before, and the American Commissioners were instructed not to insist upon the other object of the war, the abandonment of the rights of search and impressment. The English demands rose as those of the United States fell.

[1] The President barely escaped capture.

England now insisted that an independent Indian nation should be organized between Canada and the United States, and that the United States should maintain no fleet or military posts on the Great Lakes.

5. The publication of these conditions in October again roused the war feeling of the Republicans, and some of their leaders began to meditate measures which the strict constructionist principles of the party could not justify. The Secretary of War proposed the increase of the army by a draft, or conscription. The Secretary of the Navy proposed to introduce the English system of impressment of seamen. To Republicans generally such measures seemed unconstitutional, and they were rejected, though strongly urged by the Administration. Fresh discontent was excited by a bill offered in the Senate, allowing officers of the army to enlist minors over 18 years old without consent of their parents or guardians. The Connecticut Legislature ordered the Governor to resist the execution of these and similar measures, if they should become laws.

6. The commercial distress in New England, the possession by the enemy of a large part of the District of Maine, the fear of their advance along the coast, and the apparent neglect of the Federal Government to provide any adequate means of resistance, had led the Legislature of Massachusetts, in October, to invite the other New England States

to send delegates to Hartford, Connecticut, "to confer upon the subject of their public grievances." Delegates from Massachusetts, Rhode Island and Connecticut, and from parts of Vermont and New Hampshire, met at Hartford in December and remained in session for three weeks. In their **Report** to their State Legislatures they reviewed the state of the country, the origin and management of the war, and the strong measures lately proposed in Congress, and recommended several Amendments to the Constitution, chiefly with intent to restrict the powers of Congress over commerce, and to prevent naturalized citizens from holding office. In default of the adoption of these Amendments, another convention was advised, "in order to decide on the course which a crisis so momentous might seem to demand."

7. This was the famous **Hartford Convention.** The peace which closely followed its adjournment removed all necessity or even desire for another session of it. Its objects seem to have been legitimate. But the unfortunate secrecy of its proceedings, and its somewhat ambiguous language, roused a popular suspicion, sufficient for the political ruin of its members, that a dissolution of the Union had been proposed, perhaps resolved upon, in its meetings. Some years afterward those concerned in it were compelled in self-defense to publish its journal, in order to show that no treasonable design was officially proposed. It was then, however, too late,

for the popular opinion had become fixed. Neither the Federal party which originated, nor the Federalist politicians who composed the assembly were ever freed from the stigma left by the mysterious Hartford Convention.

8. In February, 1815, the welcome and unexpected news of **Peace** reached Congress. It was welcome to the Administration, whose inexperience in the conduct of the war had involved it in great financial straits, to the Federalists, who considered the war iniquitous, and even to the war party, who had begun to anticipate a single contest with England. Therefore the peace, which actually secured not one of the objects for which war had been declared, occasioned rejoicings which would have been more appropriate for a more successful termination of the war. The rest of this Session was necessarily spent in the active reduction of government to a peace establishment, with the exception of the navy, and in the reduction of expenses. The Acts which had been necessary in preparing for or carrying on the war were repealed. Congress adjourned March 3d, 1815.

9. The close of the war marks the final **Extinction of the Federal Party.** The few remaining Federalists from this time began to desist from any united party action. The whole people composed one party whose principles were neither those of the original Federal, nor those of the original Republican party, but a combination of both. The

cardinal principle of the Federal party, the preservation and perpetuity of the Federal Government, had been quietly accepted and adopted by the Republicans, while the Republican principle of limiting the Federal Government's powers and duties had been adoped by the Federalists when the Federal Government had fallen into Republican hands. But, though the principles of the Federalists had made an abiding impression upon the form of government, their party opposition to the war had made the name so unsavory that it soon began to fall into disuse.

10. Congress met December 4th, 1815, with a large Republican majority in both branches. In the House Henry Clay was again chosen Speaker. This Session was occupied chiefly by the regulation of **Internal Affairs**, which occasioned but little party contest. Taxes were reduced, and slight changes were made in the Tariff. Some indications appeared, during the debate, of a growing feeling among Republicans that the Tariff ought to be so arranged as to give protection to those manufactures which had sprung up in America during the war, and while the tendency of the bill adopted was distinctly protective, its purpose was temporarily thwarted by the condition of trade.

XIVth Congress, 1st Session.

11. The spread of loose constructionist ideas among the Republicans was marked in April, 1816,

by the passage of a bill for the charter of a **National Bank,** to expire in 1836. It was modeled upon the one which the Republicans had opposed in 1791 and 1811. Hamilton's argument in favor of such a bank was republished by Republican newspapers with a warmth of approval which showed how far the party had forgotten its strict constructionist principles. Congress adjourned April 30th, 1816.

12. **Presidential Candidates** were nominated by the usual Congressional caucuses. Among the Republicans the Virginia influence, which had named the President for 24 of the 28 years since 1789, was again successful in nominating James Monroe, his principal competitor being Wm. H. Crawford, of Georgia. Daniel D. Tompkins, of New York, was nominated for the Vice-Presidency. For President the Federalists supported Rufus King, of New York, but united on no one for the Vice-Presidency. The **Presidential Election** in November resulted in complete Republican success. Only three States, Massachusetts, Connecticut, and Delaware, chose Federalist electors.

XIVth Congress, 2d Session.

13. Congress met December 2d, 1816. December 11th, **Indiana** became a State of the Union. This Session was almost without party contest. In February, 1817, the electoral votes were counted and were found to be, for President, 183 for Monroe, and 34 for King, and, for Vice-President, 183 for

Tompkins, and 34 for various other persons. **Monroe** and **Tompkins** were therefore declared elected. March 3d, 1817, Congress adjourned, and March 4th Monroe and Tompkins were sworn into office.

CHAPTER IX.

EIGHTH ADMINISTRATION, 1817–1821.

James Monroe, President. Daniel D. Tompkins, Vice-President. XVth and XVIth Congresses.

1. **The President** appointed a Republican Cabinet. He had been urged to ignore parties in his appointments, but in his opinion the time had not yet come to do so. May 31st he began an extended tour through the Northern States, being the first President to imitate Washington's example in this respect. The welcome everywhere given him probably helped to blot out the last remnant of Federalist opposition.

2. Congress met December 1st, 1817. The pro- **XVth Congress, 1st Session.** fessed Federalists were very few. In the House Speaker Clay was re-elected almost unanimously. December 10th **Mississippi** became a State of the Union.[1]

The first Act of this Session abolished the internal taxes which had been imposed during the war. In his Message the President had taken occasion to recommend a **Protective Tariff.** The question

1 Appendices C and F will show how carefully a new Free State was at once balanced by the creation of a new Slave State, in order to control the Senate.

was compromised, nearly unanimously, by the passage of a bill continuing for seven years the Tariff of 1816 on cottons and woolens, which was slightly protective. A proposition was made to use the dividends of the United States from the National Bank, instead of appropriations. It was postponed because of the opposition of Strict Constructionists. A resolution, supported by Clay, to recognize the South American Republics, formed by Spain's revolted colonies, was rejected. Congress adjourned April 20th, 1818.

3. It is plain that the all-powerful Republican party already contained the **Nucleus of a New Party,** and a leader for it in the person of Henry Clay. He had headed, or advocated, every attempt to increase the army and navy, to make the Tariff protective, to begin a system of general public improvements at national expense, or to make the Federal Government prominent in foreign affairs, as the guardian of the infant Republics of South America. All of these measures seemed to Strict Constructionists either unconstitutional or unwise. Some of Clay's followers were only temporarily attracted by his personal influence, but the great majority were Loose Constructionists, Federalists in reality, though they would have disliked the name.

4. The summer of 1818 was marked by Indian difficulties in Florida, which deserve mention because their investigation took up much of the time

of the next Session of Congress. In quelling disturbances among the Georgia Indians **Andrew Jackson** had been systematically thwarted by the Spanish authorities of Florida. He therefore entered their territory, seized their principal towns, and captured and put to death, "as outlaws and pirates," Arbuthnot and Ambrister, two British subjects, who had led the Seminole Indians.

XVth Congress, 2d Session.

5. Congress met November 16th, 1818. December 3d **Illinois** became a State of the Union. In the House the Committee on Military Affairs offered two reports on **The Seminole War.** The majority report proposed a censure upon Jackson for his execution of Arbuthnot and Ambrister, declaring it unwise, unnecessary, and unjustifiable by the laws of war or of nations. The minority report approved his action. The majority report was rejected by the House and postponed by the Senate. The contest was then transferred to the newspapers, where it raged violently.

6. February 22d, 1819, a treaty was concluded by which Spain sold the **Floridas** to the United States for $5,000,000, and the United States abandoned all claim to the territory West of the Sabine River (afterwards known as Texas), which had formed part of Louisiana as purchased from France.[1] A territory worth ten Floridas was thus surren-

1 Within thirty years the determination of the South to regain this abandoned territory forced the United States into war with Mexico.

dered to Spain, and became a part of the Republic of Mexico two years later.

7. At this Session the people of the **Territory of Missouri** (a part of the Louisiana Purchase) applied for permission to form a State government. In the House an amendment was offered to the bill, forbidding Slavery or involuntary servitude in Missouri, except as a punishment for crime.[1] Party lines were at once dropped. The members from the Free States voted for, and the members from the Slave States against, the amendment. It passed the House, was rejected by the Senate, and the bill was lost. Congress adjourned March 3d, 1819.

8. The application of Missouri thus suddenly brought up the **Slavery Question,**[2] which was to be argued and compromised for forty years, and then settled by civil war. Negro Slavery had existed in all the colonies, and was even decided legal by the highest English court of law. In the North it had since been abolished in the States lying north of the dividing line run by the old surveyors, Mason and Dixon, between Maryland and Pennsylvania. In the South it worked mildly, and was considered a necessary and hereditary evil. But the invention of Whitney's cotton gin in 1793 had made slave labor profitable, and had made Slavery

1 This was copied, in part, from the ordinance of 1787.

2 Its appearance was so sudden, that Ex-President Jefferson said it startled him "like a fire-bell in the night."

an institution to be defended and extended by the Southern States. While the Union was confined to the fringe of States along the Atlantic coast the Slavery question was not troublesome. And it was at first possible to unite the representatives of both sections in the admission of new States, by using the Ohio as a dividing line between the States in which Slavery should be forbidden, and those in which it should be allowed. But when the tides of emigration had crossed the Mississippi and had begun to fill the Louisiana Purchase, conflict was inevitable, for the dividing line was lost. In the House the members from the Free States were a majority. In the Senate the sections had been carefully equalized, but a few Northern Senators generally voted with the South, thus giving it a majority in that body.

9. Congress met December 6th, 1819. The state of parties was unchanged. **XVIth Congress, 1st Session.** In the House Speaker Clay was re-elected almost unanimously. December 14th **Alabama** became a State of the Union. At this Session a **Protective Tariff** was passed by the House, but rejected by the Senate. The result, though it disappointed the Eastern manufacturers, who had confidently expected relief from Congress, shows a still further advance of loose constructionist principles in the dominant party. Strict Constructionists believed that the Constitution gave Congress power to lay duties only with the design

to provide for the expenses of the Government and for the payment of the debt, and that the arrangement of duties for the benefit of any branch of manufactures was usurpation of a power not granted or implied.[1] Loose Constructionists believed that the power to regulate commerce and provide for the common defence implied the power to lay a Protective Tariff, and that any consequent benefit to manufacturers would be more than offset by the creation of a domestic market for agricultural products.

10. At this Session **Missouri** again applied for permission to form a State government, and **Maine** (formerly a part of Massachusetts) made a first application for the same permission. The House passed the Maine bill without opposition, but by a sectional vote, again prohibited Slavery in Missouri. In the Senate, also by a sectional vote, the Maine bill and a Missouri bill permitting Slavery were united and then passed. This was for the purpose of compelling both bills to stand or fall together, and of throwing upon the House the responsibility for their acceptance or rejection. The House rejected the combined bills, as passed by the Senate, and adhered to its first action.

11. The difficulty was settled by the famous **Missouri Compromise of 1820,** which was

1 But there have been very few advocates of absolutely *Free* Trade (removal of *all* duties on imports), and the entire payment of Government expenses by internal taxation. The party distinction given in the text seems to have generally governed our political history.

adopted by the active exertions of Clay and the moderate members from both sections. By this measure each section yielded a part of its demands, the Senate by permitting Maine and Missouri to be voted upon separately, and the House by permitting Slavery in Missouri. Both branches then united in forever prohibiting Slavery in all other territory north of the line of 36° 30′.[1] Maine was then admitted as a State of the Union, and the bill authorizing a State government to be formed in Missouri was passed. Congress adjourned May 15th, 1820.

12. No Presidential candidates were nominated this year, there being no opposition to the re-election of President Monroe and Vice-President Tompkins. All the electors chosen in the **Presidential Election** in November were Republican, but one of them refused to vote for Monroe, so that his election was not unanimous.

13. Congress met November 13th, 1820. Speaker Clay resigned his position on account of private affairs. After three days' balloting for a successor John W Taylor, of New York, a Loose Constructionist, in favor of a Protective Tariff and an internal improvement system, and opposed to extension of

XVIth Congress, 2d Session.

1 Thirty-five Southern members, who believed that Congress had no power to prohibit Slavery in the Territories, voted against the Missouri Compromise. John Randolph called it "a dirty bargain," and gave those who voted for it the name of "doughfaces." This title was always afterward applied to Northern men "of Southern principles."

Slavery, was chosen. His election shows the progress of the division in the Republican party. It gave great offense to the Southern members, and they for a time debated a dissolution of the Union, a remedy which has been proposed at various times by almost every section for every variety of grievance.

14. **Missouri,** having formed a State government, applied for admission. The application was rejected in the House by a sectional vote, on account of a clause in the constitution, prohibiting the entrance of free negroes into the State.[1] It was not until March 2d, 1821, that this difficulty was settled, again by Clay's exertions. Missouri was then admitted, on condition that the State should never pass an act to interfere with the constitutional privileges of the citizens of other States. But the Legislature only accepted the condition in June, 1821.

15. In February, 1821, the **Electoral Votes** were counted. It was known that Missouri, which claimed to be already a State, and protested against the right of Congress to reject her application, had chosen electors. It was also known that Southern members would make a vigorous effort to have these votes counted. After a stormy session on the day of counting, lasting in the House for several hours after the time appointed for joint meeting with the Senate, another compromise was effected. The

1 In some of the Northern States free negroes were citizens.

President of the Senate was directed, in case any objection should be made to the vote of Missouri, to announce that "if the votes of Missouri were counted, the number of votes for A. B. for President would be so many, and if the votes of Missouri were not counted the number of votes for A. B. for President would be so many, and that in either case A. B. was elected." There being no opposition to the Republican candidates, the result of course was foreknown.

16. Considerable delay and confusion was caused in joint meeting by an unsuccessful attempt of some of the Southern members to renew the contest, but the vote was finally announced as previously agreed. There were 235 votes, including that of Missouri, and 232 without it. Not counting the vote of Missouri there were, for President, 228 votes for James Monroe, and 1 for John Quincy Adams, and, for Vice-President, 215 votes for Daniel D. Tompkins, and 14 for various other persons.[1] **Monroe** and **Tompkins** were therefore declared elected. March 3d, 1821, Congress adjourned, and on Monday, March 5th, Monroe and Tompkins were sworn into office.

1 Three electors had died before having an opportunity to vote.

CHAPTER X.

NINTH ADMINISTRATION, 1821–1825.

James Monroe, President. Daniel D. Tompkins, Vice-President.
XVIIth and XVIIIth Congresses.

1. MONROE's election had been so nearly unanimous, and party divisions had nominally so far disappeared, that this Administration is commonly called **The Era of Good Feeling.** In reality there was as much bad feeling between the Strict Constructionists and the Loose Constructionists of the Republican party as could have existed between two opposing parties. The want of regularly organized parties had only the effect of making the next Presidential election a personal instead of a party contest, the worst form which a political struggle can take.

2. Congress met December 3d, 1821. In the **XVIIth Congress, 1st Session.** House P. P. Barbour, of Virginia, a Strict Constructionist, was chosen Speaker. The Loose Constructionists, however, succeeded in passing a bill for the preservation of the **Cumberland Road,** but it was vetoed by the President, on the ground that

"Congress do not possess the power, under the Constitution, to pass such a law." But his Message gave his opinion that an Amendment to the Constitution should be adopted, giving the Federal Government power to make improvements for great national purposes. The Strict Constructionists succeeded in defeating further propositions to make surveys for a national canal system, and to make the Tariff more protective. Congress adjourned May 8th, 1822.

XVIIth Congress, 2d Session.

3. Congress met December 2d, 1822. There was little party contest at this Session. The Strict Constructionists defeated bills for an increase of the Tariff, and a renewed attempt to create a national canal system. All other bills necessary for the support of the Government were passed, generally by large majorities. Congress adjourned March 3d, 1823.

XVIIIth Congress, 1st Session.

4. Congress met December 1st, 1823. Henry Clay, of Kentucky, who was now the leader of the Loose Constructionists in Congress, was chosen Speaker in the House. In his Message President Monroe mentioned the war then waged by Spain against her revolted colonies, and declared that the United States would neither interfere in any European war, nor tolerate any attempt by any European power to acquire a controlling influence in this hemisphere. This has since been called the **Mon-**

roe Doctrine, and has passed into a settled rule of foreign policy for all American political parties.

5. The President's Message showed that his views had slightly changed, for he incidentally recommended Protection and Internal Improvements. The Loose Constructionists were in a majority in this Congress, and after a debate of more than two months the **Tariff of 1824** was adopted by very small majorities. It was an advance on all preceding Tariffs in its consistent design to exclude foreign competing goods from American markets. It was passed by the Northern members, except those from the North-East, against the almost unanimous vote of the Southern members, who considered it sectional, unconstitutional, and unjust. The Loose Constructionists were also successful in passing a bill for surveys for a **National Canal System.** Congress adjourned May 27th, 1824.

6. An effort was made at this Session by the friends of William H. Crawford, of Georgia, to revive the **Caucus System** of nomination for the Presidency. Very few members of Congress obeyed their call for a caucus, and Crawford's nomination by this body really injured his chances of success. As there were no recognized parties, the Presidential election degenerated into a personal contest, in which the leading candidates were Henry Clay, of Kentucky, Speaker of the House, John Quincy Adams, of Massachusetts, Secretary of State, William H. Crawford, of Georgia, Secre-

tary of the Treasury, and Andrew Jackson, a private citizen of Tennessee.[1] Clay and Adams were Loose Constructionists. Crawford and Jackson were Strict Constructionists, but Jackson was objectionable to the Crawford faction, on account of his leaning toward a Protective Tariff. John C. Calhoun, of South Carolina, Secretary of War, was generally supported for the Vice-Presidency by the friends of all the other candidates. The **Presidential Election** in November gave no candidate a majority of all the electors chosen, and therefore left the President to be chosen by the House of Representatives.

XVIIIth Congress, 2d Session.

7. Congress met December 6th, 1824. The yet undecided Presidential election was almost the only party contest of the Session. In February, 1825, the electoral votes were counted and were found to be, for President, 99 for Andrew Jackson, 84 for John Quincy Adams, 41 for William H. Crawford, and 37 for Henry Clay, and, for Vice-President, 182 for John C. Calhoun, and 78 for various other persons. **Calhoun** was therefore declared elected Vice-President, and the House proceeded to choose a President from the three highest candidates, each State having one vote. As Clay stood fourth on the list he was not eligible, and it was natural that he and his friends should unite on John Quincy Adams, the other Loose Con-

1 Hence it is known as "the scrub race for the Presidency."

structionist candidate. Through this coalition 13 States voted for Adams, 7 for Jackson, and 4 for Crawford. **Adams** was therefore declared elected President. The feeling excited by this result still further increased the division between the Strict Constructionists and the Loose Constructionists who were soon to be openly opposing parties. March 3d, 1825, Congress adjourned, and March 4th Adams and Calhoun were sworn into office.

CHAPTER XI.

TENTH ADMINISTRATION, 1825-1829.

John Quincy Adams, President. John C. Calhoun, Vice-President. XIXth and XXth Congresses.

1. FROM the very beginning of this Administration both factions of the Strict Constructionists united in an opposition to the President, which became stronger through his whole term of office, until it overcame him. His ill-advised **Nomination of Clay** to a post in his Cabinet gave color to the charge of a corrupt bargain between him and Clay, by which, in return for the Clay vote in the House, Clay was to receive as he did the position of Secretary of State, then usually considered a stepping stone to the Presidency. Clay angrily denied any such bargain, and the renewal of charges and denials, each with its appropriate arguments, gave abundant material for debate.

2. The Clay and Adams factions soon united and took the distinctive party name of **National Republicans.** Some years afterward this name was changed to that of Whigs. They maintained the loose constructionist principles of the Federalists, and, in addition, desired a Protective Tariff

and a system of public improvements at national expense. This policy was suggested by the President's Inaugural, and repeated in his first Message.

3. In October, 1825, the Tennessee Legislature nominated Jackson for the Presidency in 1828, and Jackson accepted the nomination. Crawford's continued ill-health compelled his adherents to look elsewhere for a candidate, and they gradually united upon Jackson. At first the resulting coalition was known as "**Jackson Men,**" but, as they began to take the character of a national party, they assumed the name of **Democrats,** by which they have since been known. They maintained the strict constructionist principles of the Republican party, though the Crawford faction in the South went further, and held the extreme ground of the Kentucky Resolutions of 1799.[1] This had already borne fruit in the case of the State of Georgia and the Cherokee Indians, in which a collision had almost taken place between the State and the Federal Government.

4. Congress met December 5th, 1825. In the **XIXth Congress, 1st Session.** House John W. Taylor, of New York, a Loose Constructionist, was chosen Speaker. His small majority (99–94) represents the Administration majority in the House. In the Senate its majority was larger, but in both branches of Congress the "Jackson men" and the Crawford faction united in a determined **Opposition.** One-third of the Session

1 See page 50.

was taken up by the discussion of proposed changes in the manner of electing the President. It drifted off into an angry debate on the "Clay and Adams bargain," and came to no result. The Opposition also made a fruitless effort to limit the President's appointing power.

5. Most of the measures proposed by the President at this Session, or known to be favored by him, were passed with difficulty or failed altogether. In the Senate Vice-President Calhoun, who was disposed to act with the "Jackson men," had given them the majority on the committees. In the latter part of this Session, therefore, the Senate took the then unusual step of depriving its presiding officer of the power of appointing committees. Much time was spent in debating the President's appointment of delegates to the Congress of American Republics at Panama. It was at length approved, and forgotten almost immediately. Appropriations for internal improvements were increased. Congress adjourned May 22d, 1826. The summer of 1826 was spent by the opposing factions in endeavors to recruit or cement their organizations.

XIXth Congress, 2d Session.

6. Congress met December 4th, 1826. The obstructive spirit of the **Opposition** was so determined that few measures of national importance were passed at this Session. The Administration's supporters in the House succeeded in passing a bill for an increase of the Tariff, but the Vice-President's

casting vote defeated it in the Senate. The Opposition introduced bills, which were defeated, to divide a part of the revenue among the States, and to repay fines levied under the Sedition Act of 1798. Congress adjourned March 3d, 1827.

7. This was the only Session of Congress in which the Adams Administration had even a nominal majority. The election for members of the **XXth Congress** had resulted in the success of the Adams candidates, or National Republicans, in New England, New Jersey, Delaware, Ohio, Indiana, and Louisiana. In New York, Pennsylvania, and Illinois, and in every Southern State, with the exception of Louisiana, the Jackson candidates, or Democrats, were successful, and thus obtained control of the House.

8. From this time the idea of a connected system of roads and canals, to be built and maintained by the Federal Government, was abandoned, and its advocates confined themselves to voting for isolated public improvements in various parts of the country. But the demand for a higher Tariff than that of 1824 was brought still more strongly into politics by a **National Convention of Protectionists,** at Harrisburgh, Pa., July 30th, 1827. Many of the Democratic members elect to the XXth Congress from the North supported the National Republicans in their demand for Protection. The Strict Constructionists from the South were in favor of a Tariff for revenue only. The division

upon this point was therefore becoming one of sections, rather than of parties.

9. Congress met December 3d, 1827. In the **XXth Congress, 1st Session.** House Andrew Stevenson, of Virginia, a Democrat, was chosen Speaker. This gave the Opposition the organization of the House and the appointment of its committees. In the Senate the hitherto doubtful members at once joined the Democrats, and the Opposition became a majority there also. The **Debates** at this Session were almost entirely political. A proposition to order a painting of Jackson's successful battle of New Orleans, and a counter proposition to investigate his execution of six insubordinate militiamen, were solemnly debated for a month. The increased expenditure of the Government was also the subject of long debate without result.

10. The most important event of this Session was the success of the Protectionists in passing the **Tariff of 1828,** after a debate of six weeks. It was so protective as to be satisfactory to manufacturers and very objectionable to the Southern States, where it was considered a legalized robbery. From this time the Nullification doctrine of the Kentucky Resolutions of 1799 gained strength rapidly in the South. Congress adjourned May 26th, 1828.

11. The Democratic candidates for the Presidential election in 1828 were Andrew Jackson, of

Tennessee, and John C. Calhoun, of South Carolina. The National Republican candidates were John Quincy Adams, of Massachusetts, and Richard Rush, of Pennsylvania.[1] The candidates on both sides were nominated by common consent, or by State Legislatures. The system of Congressional caucuses had been abandoned, and that of National Conventions had not yet been adopted. The **Presidential Election** in November resulted in the complete success of the Democratic electors.

XXth Congress, 2d Session.

12. Congress met December 1st, 1828. In his Message the President for the first time earnestly advocated Protection. This Session was uneventful, as is usually the case after an exciting Presidential election. The Democratic majority were not disposed to obstruct the Administration while engaged in putting its affairs in order for its successor. After long debate upon their constitutionality, unusually large appropriations were voted for **Internal Improvements,** and approved by the President. In February, 1829, the electoral votes were counted, and were found to be, for President, 178 for Jackson, and 83 for Adams, and, for Vice-President, 171 for Calhoun, 7 for William Smith, of South Carolina, and 83 for Rush. **Jackson** and **Calhoun** were therefore declared elected. March 3d, 1829, Congress adjourned, and March 4th Jackson and Calhoun were sworn into office.

1 It will be noticed that the candidates of both parties were "sectional."

CHAPTER XII.

ELEVENTH ADMINISTRATION, 1829–1833.

Andrew Jackson, President. John C. Calhoun, Vice-President. XXIst and XXIId Congresses.

Popular vote for President in 1828 :[1] *Jackson* (*Dem.*), 647,231, *Adams* (*Nat. Rep.*) 509,097.

1. **Jackson's First Administration** was stormy in both foreign and domestic relations. Serious disagreements with England as to commerce with her colonies and the boundary between Maine and British America, and with France as to the payment of the long standing indemnity for French spoliations, repeatedly threatened war, but were all peaceably settled. At home the Administration was engaged in constant struggle with its opponents, the National Republicans, the Anti-Masons, and the United States Bank, and was abandoned by a part of its own party, the Loose Constructionists, who advocated Protection and Internal Improvements, and the Nullificationists. The President's final success came from the impossibility of a hearty union of his opponents, though many doubtful voters were attracted to him by his

1 Hitherto electors had been generally chosen by the State Legislatures. After 1824 they were chosen generally by popular vote. South Carolina continued to choose electors by the State Legislature until 1868.

military achievements, by the undoubted sincerity of his intentions, and by natural sympathy for one man contending against odds.

2. The **National Republicans** were in a minority in 1829, but were continually reinforced by loose constructionist Democrats. They never became a majority party, but, by combining with the other elements of opposition, were frequently able to thwart the President's plans, and even to censure his actions. Their leader was Henry Clay, now Senator from Kentucky. His popularity with his party was already great, though not so unbounded as afterward, when the Whig party almost became Clay's personal party.

3. In 1826 William Morgan, of Batavia, New York, who had advertised a book exposing the secrets of Free Masonry, was kidnapped and never seen again. The crime was charged upon the society, and investigation, as it was alleged, was impeded by leading Free Masons. A party soon grew up in Western New York, pledged to oppose the election of any Free Mason to public office. The **Anti-Masonic Party** acquired influence in other States, and began to claim rank as a national political party. On most points its principles were those of the National Republicans. But Clay, as well as Jackson, was a Free Mason, and consequently to be opposed by this party.[1]

1 In 1832 it even nominated a Presidential ticket of its own, but, having no national principle of controlling importance, it soon after declined.

4. Financial mismanagement, and the distress growing out of the War of 1812, had compelled Republicans in 1816 to abandon their strict constructionist principles and charter a **National Bank** for twenty years. It was empowered to hold $55,000,000 in property, to issue $35,000,000 in notes receivable by the United States as cash for all debts, had the use without interest of the United States revenues deposited with it, and was not amenable to State Laws. It had friends and dependents in all parts of the Union, some seated in Congress, and many prominent in both parties. Its power seemed to Jackson anti-democratic, and his first Message opened upon it a war which soon drove it into politics, and ultimately destroyed it.

5. Among Jackson's warmest supporters were many who were sufficiently loose constructionist in opinion to support **Protection** and **Internal Improvements.** Jackson himself had formerly been no opponent of either, and on that account had been objectionable to the Crawford faction. His increasing dislike to both became apparent soon after the meeting of Congress in 1829, and alienated many of his supporters. But these very generally returned to his support when he had yielded to necessity, and, at least in appearance, ceased his opposition to their favorite measures.

6. The extreme Democracy of the South had only accepted Jackson because of the loss of their former leader, Crawford. As the progress of Jack-

son's Administration showed that he could not be relied upon as a representative of their determined hostility to Protection, they learned to regard Vice-President Calhoun as their leader. They had already acted upon the doctrines of the Kentucky and Virginia Resolutions of 1798,[1] and the States of Georgia and South Carolina, through their Legislatures, had protested against the Tariff of 1828 as unjust and unconstitutional. Finding that this protest had no effect upon other States or upon Congress, they advanced, during Jackson's first Administration, to the ground taken by the Kentucky Resolutions of 1799,[2] affirming the right of *any State* to declare null and void any Act of Congress which, the State being judge, appeared unconstitutional. This was the doctrine of **Nullification,** which grew to Secession in 1860.[3]

7. After the first great party overthrow in the United States, the new President, Jefferson, though he found many Federalists in office, had been able to trust to time and the assured future supremacy of his party to bring about a change of occupants of public offices. Successive Presidents of the same political belief saw no necessity of changes. But Jackson, following a President who had almost created a hostile party, and being opposed by so many open and concealed enemies, decided to

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1 See page 49. 2 See page 50.

3 Its announcement in 1832 drew from Madison a protest against the use of Jefferson's name "as a pedestal for this colossal heresy."

fill every vacancy with a partisan of the Administration, and, further, to create vacancies, whenever it should seem of party advantage, by exercising the almost unused privilege of **Removal from Office.** This made necessary, during the summer of 1829, the application of the comparatively novel theory of "rotation in office," [1] by which nearly 500 postmasters were removed during Jackson's first year of office. The practice thus begun in self-defense has since been adopted by all parties in all elections, great and small, national and local.

8. Congress met December 7th, 1829, with a **XXIst Congress, 1st Session.** Democratic majority in both branches. In the House Andrew Stevenson was again chosen Speaker. But his overwhelming majority (152–39) did not long cohere. The **President's Message** avoided the Tariff question, and advised the election of President and Vice-President directly by the people, an inquiry into the constitutionality and advisability of renewing the Bank's charter in 1836, and the distribution of surplus revenue among the States in preference to using it for Internal Improvements. Such recommendations were enough to alienate many supporters of the Administration at once, and the committees to which they were referred reported in flat opposition to the President's views.

9. In the Senate a resolution was introduced by

1 Stated by Marcy, of New York, in the Senate, as the axiom that "the spoils of the enemy belong to the victor."

Foote, of Connecticut, directing an inquiry into the expediency of limiting public land sales in future. The debate upon this apparently harmless resolution lasted intermittently for five months, and drifted off to a great variety of subjects, such as Slavery, Western and Southern grievances, New England Federalism, the relative powers of the State and Federal Governments, and Nullification. During its progress, in February, 1830, the doctrine of Nullification was formally announced by Hayne, of South Carolina, in reply to Webster of Massachusetts, but limited, as yet, to peaceable resistance. The eloquence, learning, and party zeal of the **"Great Debate in the Senate"** as it has always been called, make it almost a political history of the United States up to its date.

10. The case of the **Cherokee Indians** in Georgia was introduced at this Session. Under treaties with the United States these Indians held lands desired by the State. Acts were passed by the Legislature to open up the Indian country to white settlers, against the protest of the Indians. To settle the trouble an Act was passed at this Session to pay the Indians for their lands and to remove them beyond the Mississippi. It was opposed with much feeling by the National Republicans, and failed to accomplish its purpose, for the Indians refused to sell their lands.

11. A bill was passed at this Session authorizing a Government subscription to the stock of the

Maysville Turnpike Road in Kentucky. The President, believing that Congress had no power to pass such a law, vetoed it. Two days before the adjournment of Congress two bills of a similar nature to that of the Maysville Turnpike bill were passed. The President could legally retain them for ten days before signing them. He did so, and in the interval came the day previously fixed for the adjournment of Congress, while the bills remained, as it were, in the President's pocket, without force of law. This new method of veto, angrily called a **Pocket Veto,** was employed by the President on several occasions afterward. Congress adjourned May 31st, 1830.

12. April 13th, 1830, the leading Democrats at Washington gave a dinner to celebrate **Jefferson's Birthday.** At the close of the regular toasts, which had been so drawn as to suggest Nullification, the President rebuked the whole proceeding by giving a volunteer toast, "Our Federal Union: it *must* be preserved." The Vice-President retorted with another to "Liberty, dearer than the Union." These counter defiances called the attention of the whole country to the progress of Nullification among Democratic leaders, and indirectly gave the Nullificationists warning to regard the President as an obstacle to their designs. Calhoun, for whom Jackson had previously had a high regard, and from whose friends he had in great part formed his Cabinet, recognized the President's

growing suspicion and dislike of him, and spent the summer of 1830 in obtaining materials, by letter and otherwise, for a pamphlet criticism of Jackson's course in the Seminole War of 1818.

13. Congress met December 6th, 1830. The **XXIst Congress, 2d Session.** President's Message again attacked the Bank, and argued against the power of Congress to vote public money for any internal improvement that was local in its nature, and not beneficial to the country at large. The temper of Congress was not that of the President. **A Harbor Improvement Bill** was at once introduced and passed by majorities so large that the President yielded and signed it. He also signed other bills of a similar nature, making large appropriations for the improvement of roads and rivers, and for a light-house system. Much of this Session was taken up by the impeachment and trial of Judge Peck, of Missouri, which had no political bearing. Congress adjourned March 3d, 1831.

14. The long promised attack upon the President by Vice-President Calhoun appeared in March, 1831, and was followed by the **Breaking up of the Cabinet.** Its Calhoun element had for a long time lost the confidence of the President, who apparently trusted more to the advice of Van Buren, Secretary of State, and some private friends, commonly called the Kitchen Cabinet. Van Buren, to whose machinations Calhoun attributed the bad

feeling between himself and the President, at once resigned, and the other members of the Cabinet, by request, followed his example.[1]

15. Congress met December 5th, 1831. The **XXIId Congress, 1st Session.** Senate, though doubtful at first, proved to have an Opposition majority. In the House Speaker Stevenson, the Administration candidate, was re-elected by one vote (98–97). The President's Message attacked the **Bank** for the third time, and, although its charter still had five years to run, it felt compelled to begin the conflict. It therefore made application for a renewal of its charter. The President's supporters in the House asked for an investigation of the affairs of the Bank. The committee appointed for this purpose made two reports, the majority approving, and the minority condemning, the Bank's management. After long debate the bill to renew the charter passed both Houses, and was vetoed by the President, July 10th, 1832. An effort to pass it over the veto lacked a two-thirds majority, and failed. The veto made many new friends and many new enemies for the President, but only increased the bitterness of the struggle between him and the Bank.

16 In January, 1832, the **Nomination of Martin Van Buren,** of New York, late Secretary of State, to be minister to England, came up in the

1 It was commonly believed, however, that the breaking up of the Cabinet was precipitated by trouble between the families of its members.

Senate for confirmation. His nomination was rejected, although he was already in England. The vote was so arranged as to make a tie (23–23), thus giving Vice-President Calhoun the "vengeance" of a casting vote on the rejection. The spiteful feeling shown by some of the Opposition probably made the rejection rather a benefit to Van Buren.

17. At this Session a bill was passed and signed by the President, appropriating $1,200,000 for **Internal Improvements.** Another bill of a similar nature was also passed, but was killed by a "pocket veto." The **Tariff of 1832** was passed and signed by the President. It was intended and expected to pacify the continued discontent in the South, particularly in South Carolina. This it failed to accomplish, for, though it reduced the duties of 1828, it still recognized the *principle* of Protection. Congress adjourned July 14th, 1832.

18. Presidential nominations were made this year for the first time by all the parties in **National Conventions.** All three Conventions were held at Baltimore. That of the Anti-Masons was held first, in September, 1831, in the hope of compelling the National Republicans to abandon Clay, and adopt the Anti-Masonic candidates. Judge McLean, of Ohio, having declined a nomination, William Wirt, of Virginia, and Amos Ellmaker, of Pennsylvania, were nominated. In December, 1831, the National Republican Convention nominated Henry Clay, of Kentucky, and John Ser-

geant, of Pennsylvania. The platform pronounced in favor of Internal Improvements, Protection, and the Bank, and against the Administration and its course in the Cherokee case. Jackson had already (in February, 1830) been renominated for the Presidency by his friends in the New York Legislature. In March, 1832, the Democratic National Convention confirmed this renomination, and nominated Martin Van Buren, of New York, for the Vice-Presidency. For his success in gaining the nomination Van Buren was indebted to Calhoun's "vengeance."

19. In the **Presidential Election** in November, South Carolina held sullenly off from both parties and chose electors pledged to candidates of her own, John Floyd, of Virginia, and Henry Lee, of Massachusetts. Anti-Masonic electors were chosen by Vermont alone. All the other States, with the exception of six, chose Democratic electors. But Jackson's popular majority was smaller than at his first election, and the Opposition, if it had been possible to unite it, might have defeated him.

20 Southern politicians had perhaps only aimed at obtaining the repeal of the Tariff of 1828 by *threats* of Nullification and Secession. But when the modified Tariff of 1832 showed that Protection in some form was to be the settled policy of the Government, they had lost control of their constituents, and were compelled to follow the current. In the case of the Cherokee Indians, the State of

Georgia had already nullified an Act of Congress, and refused obedience to the United States Supreme Court. Emboldened by this example, and by the belief that the passage of Federal troops across Virginia and North Carolina would be forcibly resisted by those States, a State Convention, held at Columbia, S. C., November 19th, 1832, formally declared the Tariffs of 1828 and 1832 to be "null, void, and no law, nor binding upon South Carolina, her officers and citizens," made any appeal to the United States Supreme Court a punishable offense, prescribed an oath of obedience to this ordinance to be taken by all jurors and State officers, and concluded with a warning to the other States that any attempt at force would be followed by the secession of South Carolina from the Union. The **Ordinance of Nullification** was to take effect February 1st, 1833. In November the State Legislature met and proceeded to make the State ready for war, and to pass various Acts re-assuming those powers which had been expressly abandoned under the Constitution.

21. December 16, 1832, the President issued his **Proclamation** to the people of South Carolina. It reviewed the history of Nullification, showed its treason, danger, and folly, and declared his unflinching purpose of carrying out the laws in the face of any resistance whatever. He followed up his words by occupying Charleston Harbor with a naval force, and providing guards for the protec-

tion of officials engaged in collecting the revenue under the Tariff of 1832.

22. Congress met December 3d, 1832. Soon afterward Calhoun resigned the Vice-Presidency, and became Senator from South Carolina. Early in 1833 he took an opportunity to declare that his State had never intended forcible resistance to the Federal Government, and a meeting of leading Nullifiers in Charleston decided to yield to the collection of the revenue until after the adjournment of Congress. At this Session a **Bill for Enforcing the Tariff**[1] was passed and signed by the President. It provoked much angry declamation in South Carolina, but no secession. After long discussion of various proposed modifications of the Tariff, Clay's **Compromise Tariff of 1833** was passed, and signed by the President. It provided for the gradual reduction of the Tariff until 1842, after which year the duties on all goods were to be 20 per cent. The Nullificationists claimed this as a complete triumph, and the Anti-Tariff excitement in South Carolina ended at once.

XXIId Congress, 2d Session.

23. Not even Nullification could compel the President to desist for a time from his warfare upon the **United States Bank**. In his Message at this Session he astonished Congress and the coun-

1 Commonly called, in South Carolina, the "Bloody Bill." Its opponents in the Senate refused to vote, with the exception of John Tyler, of Virginia.

try by expressing doubts of the solvency of the Bank. He recommended a cessation of the deposits of United States revenue in it, and a sale of the stock belonging to the United States. Both these propositions were easily defeated by the Congressional friends of the Bank. Clay's bill for the loan to the States of the proceeds of the sales of public lands was passed, but was disposed of by a "pocket veto."

24. In February, 1833, the electoral votes were counted, and were found to be, for President, 219 for Jackson, 49 for Clay, 11 for Floyd, and 7 for Wirt, and, for Vice-President, 189 for Van Buren, 30 for William Wilkins, of Pennsylvania, 49 for Sergeant, 11 for Lee, and 7 for Ellmaker. **Jackson** and **Van Buren** were therefore declared elected. March 2d, 1833, Congress adjourned, and March 4th Jackson and Van Buren were sworn into office.

CHAPTER XIII.

TWELFTH ADMINISTRATION, 1833–1837.

Andrew Jackson, President. Martin Van Buren, Vice-President. XXIIId and XXIVth Congresses.

Popular vote for President in 1832: *Jackson* (*Dem.*) 687,502, *Clay* (*Nat. Rep.*) 530,189.

1. THE **Act of 1816,** which created the Bank of the United States, required that the public moneys should be deposited in it, subject to removal at any time on the order of the Secretary of the Treasury, with the proviso that the Secretary should afterwards give Congress his reasons for such removal. At the last Session the President had recommended Congress to order the removal of the deposits from the Bank, and Congress, by large majorities, had refused to do so. The President, taking his re-election as a popular approval of his war upon the Bank, now determined to assume the responsibility of removal himself.

2. With this view he removed (in the Spring of 1833) the Secretary of the Treasury, who would not consent to remove the deposits, and appointed William J. Duane, of Pennsylvania, in his place. He proved to be no more pliant than his predecessor. After many attempts to persuade him, the

President announced to the Cabinet his final decision that the deposits must be removed. The **Reasons** given were that the law gave the Secretary, not Congress, control of the deposits, that it was improper to leave them longer in a bank whose charter would so soon expire, that the Bank's funds had been largely used for political purposes, that its inability to pay all its depositors had been shown by its efforts to procure an extension of time from its creditors in Europe, and that its four Government directors had been systematically kept from knowledge of its management. Secretary Duane refused either to remove the deposits or to resign his office, and pronounced the proposed removal unnecessary, unwise, vindictive, arbitrary, and unjust. He was at once removed from office, and Roger B. Taney, of Maryland, appointed in his place.

3. The necessary **Orders for Removal** were given by Secretary Taney. It was not strictly a removal, for all previous deposits were left in the Bank, to be drawn upon until exhausted. It was rather a cessation. The deposits were afterwards made in various State banks,[1] and the Bank of the United States was compelled to call in its loans. The commercial distress which followed in consequence probably strengthened the President in the end by giving a convincing proof of the Bank's power as an antagonist to the Government.

1 Commonly called the "pet banks."

4. Congress met December 2d, 1833. In the **XXIIId Congress, 1st Session.** Senate the still existing alliance between the National Republicans and the Calhoun States Rights Democracy formed a majority against the Administration and in favor of the Bank. In the House the strong Administration majority was shown by the re-election of Speaker Stevenson, Democrat, (142–61). The President's Message and the report of the Secretary of the Treasury defended the removal of the deposits. In the Senate Clay at once introduced condemnatory resolutions, which were debated for three months and then passed. The first declared the reasons given for the removal to be unsatisfactory and insufficient. The second was modified during the debate into a declaration that the President in removing the deposits "had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." To the Senate's **Resolution of Censure** the President replied by a protest, on the ground that it accused him of perjury in violating his oath of office, and was thus an indirect and illegal method of impeachment, a condemnation against which he had no opportunity to defend himself. The Senate refused to receive the protest or place it upon record.

5. In the House the President's Message was followed by the appointment of a committee to investigate the affairs of the Bank. The majority

report complained that the powers of the committee had been so restricted by the Bank that a full investigation had been impossible. The minority report approved the Bank and its management. In April the House passed resolutions that the Bank ought not to be re-chartered, and that the deposits ought not to be restored. In June the Senate resolution, condemning the reasons for the removal of the deposits, came to the House for concurrence, and was tabled. The long struggle was thus practically ended by the **Success of the President.** The Bank of the United States was soon afterward chartered by the State of Pennsylvania, but no longer had the funds of the United States at its disposal.[1]

6. **Rejections of the President's Nominations** by the Senate were frequent at this Session. The four Government Directors of the Bank, who had joined the President in attacking it, were renominated by him, and rejected. The rejected names were again sent to the Senate, and again rejected. No more nominations for Government Directors were made at this Session. Secretary Taney's nomination was not sent to the Senate until June, 1834, and was then rejected. Speaker Stevenson's nomination to be Minister to England

1 These were at first deposited in various State banks. In the Session of 1834–35 the "Sub-Treasury plan" was suggested by the Opposition, and voted down by the Democrats. Later it was adopted by the Democrats, and made law against the Whig efforts to revive a National Bank. It has since remained in force.

was also rejected. An unsuccessful attempt was made to limit the President's appointing power, and his appointments to office for political reasons were severely condemned by the Senate. A committee of the House investigated the **Post Office Department** at this Session, and reported that it had been managed without frugality, system, intelligence, or adequate public utility. As the investigating committee was composed of supporters of the Administration, their report was decisive. A bill for reforming the Post Office Department was introduced and passed. Congress adjourned June 30th, 1834.

XXIIId Congress, 2d Session.

7. Congress met December 1st, 1834. There was little party contest at this Session. Further appropriations were made for **Internal Improvements.** Regulations were made to govern the deposit of public moneys in State banks. This system of deposit, called the **State Bank System,** still received the support of the Democrats. The Opposition proposed at this Session the system afterwards known as the "Sub-Treasury plan," by which agents of the United States Treasury were to be appointed, wherever necessary, to receive and disburse United States revenue, and to give suitable bonds for the performance of their duties. The Sub-Treasury plan was voted down. Congress adjourned March 3d, 1835.

8. The President wished Vice-President Van

Buren to be his successor. He therefore recommended that the Democratic nomination should be made in National Convention. This was opposed by the friends of the other Democratic candidate, Hugh L. White, of Tennessee, who had been nominated by the Alabama Legislature. The Convention, which met at Baltimore in May, 1835, was attended only by Van Buren delegates. It nominated Martin Van Buren, of New York, and Richard M. Johnson, of Kentucky, and adopted no platform. The friends of White supported John Tyler, of Virginia, for Vice-President. The National Republicans had by this time generally adopted the name of **Whigs.**[1] They generally supported the candidates nominated by the Whig and Anti-Masonic State Conventions of Pennsylvania, William H. Harrison, of Ohio, and Francis Granger, of New York. John McLean, of Ohio, and Daniel Webster, of Massachusetts, were also nominated for the Presidency by the Legislatures of those States. All these nominations, however, were made over a year before the Presidential election took place.

XXIVth Congress, 1st Session.

9. Congress met December 7th, 1835. In the Senate the Opposition, composed of Whigs, Nullification Democrats, and Anti-Masons, were at

1 The name seems to have been first used by them in New York in the Winter of 1834-35. The name "Loco-foco" was at the same time given the Democrats by the Whigs.

first a majority, but the Administration reversed this toward the end of the Session. In the House there was a strong Administration majority, divided into Van Buren and White factions. James K. Polk, of Tennessee, a Democrat, was chosen Speaker. The President's Message announced that the National Debt would soon be paid off. The expected **Surplus of Revenue** caused long debate in Congress. In June, 1836, an Act was passed providing that, after January 1st, 1837, all surplus revenue exceeding $5,000,000 should be divided among the States as a *loan*, only to be recalled by direction of Congress.[1] The President signed the bill. June 15th, 1836, **Arkansas** became a State, after some opposition to its application as irregular. Congress adjourned July 4th, 1836.

10. After the fall of the United States Bank a number of State banks had been formed, often without adequate capital, to supply the expected need of paper money. Their notes were used in large quantities for the purchase of public lands from the United States, and the Treasury was thus accumulating paper currency of doubtful worth. Soon after the adjournment of Congress the Secretary of the Treasury, by direction of the President, issued the so-called **Specie Circular,** ordering United States agents to receive in future only gold and

1 This distribution amounted to $28,000,000, none of which was ever recalled. It ceased in 1837 (pp. 133, 135).

silver in payment for lands. This caused a demand for specie which could only be met by the banks in which the revenue was deposited. Other banks fell into difficulties which culminated in the "Panic of 1837."

11. The Opposition had hoped to throw the **Presidential Election** of 1836 into the House, but did not succeed in doing so, for a majority of Van Buren electors were chosen. The White electors carried the States of Georgia and Tennessee. The Whig vote had largely increased since the last election.

12. Congress met December 5th, 1836. January 26th, 1837, **Michigan** became a State of the Union. In the Senate this Session was noteworthy for the final success of the President's supporters. When Clay's Resolution of Censure, against which the President had protested, was passed, Senator Benton, of Missouri, had given notice that he would offer a resolution each year to expunge it. At this Session his resolution was carried and put into effect at once.[1]

XXIVth Congress, 2d Session.

13. **Texas,** which had been bargained away by Southern votes in 1819, was now a prize which the South longed to regain, as an offset to the rapidly multiplying Northern States. It had become a

1 The Resolution of 1834 on the Senate Journal was marked around by broad black lines, with the inscription "Expunged by order of the Senate this 16th day of January, 1837."

part of the Mexican State of Coahuila, but was colonized by Americans, and then declared its independence. The President's Message advised Congress not to interfere in the struggle between Mexico and Texas. Nevertheless a resolution recognizing the independence of Texas was passed by the Senate, but failed in the House.

14. In 1833 the **National Anti-Slavery Society** had been formed, and its branches multiplied rapidly. The renewal of the Slavery question alarmed the Southern States and many of the Northern people who considered any attack upon Slavery dangerous to the peace of the Union. From this time dates the existence of the party opposed to Slavery in the United States, at first known as **Abolitionists.** A requisition was made by Georgia upon the State of New York for a leading Abolitionist, who had been indicted by a Georgia jury, and rewards were offered by citizens' committees in the South for the bodies of others, dead or alive, but without success. Finally mob violence was resorted to in Boston and other Northern cities, to destroy Abolition printing presses, break up Abolition meetings, and intimidate Abolition orators. At least one person (Lovejoy) was shot to death.

15. These lawless outrages only increased the zeal of the Abolitionists in offering **Petitions to Congress** to abolish Slavery in the District of Columbia, and in sending Abolitionist books and

papers to every part of the country. At its last Session the House had resolved to lay all future petitions on the subject of Slavery upon the table, without further action or notice. At this Session the President's Message made indignant reference to the practice of sending Abolition documents through the United States mails. He recommended a bill to prohibit the practice in future. A bill was consequently introduced in the Senate, prohibiting any postmaster from knowingly putting any Abolition newspapers or documents into the mails. The bill was rejected.

16. In February, 1837, the electoral votes were counted, and were found to be, for President, 170 for Van Buren, 73 for Harrison, 26 for White, 14 for Webster, and 11 for W. P. Mangum, of North Carolina, and, for Vice-President, 147 for Johnson, 77 for Granger, 47 for Tyler, and 23 for William Smith, of Alabama.[1] **Van Buren** was therefore declared elected President. No candidate having received a majority of all the votes for Vice-President, the Senate chose **Richard M. Johnson.** President Jackson issued a Farewell Address to the American People before leaving office. March 3d, 1837, Congress adjourned, and March 4th Van Buren and Johnson were sworn into office.

1 The three votes of Michigan for Van Buren and Johnson are included in the above count, though the State was not fully admitted until after the election. They did not affect the result.

CHAPTER XIV.

THIRTEENTH ADMINISTRATION, 1837–1841.

Martin Van Buren, President. Richard M. Johnson, Vice-President. XXVth and XXVIth Congresses.

Popular vote for President in 1836 : *Dem.* 761,549, *Combined Opposition* 736,656.

1. **The New Administration** had taken Jackson's Cabinet, and the President had declared his intention "to follow in the footsteps of his illustrious predecessor." He therefore caught the first full effects of the storm produced by Jackson's financial policy, from which even Jackson's popularity and admitted honesty would hardly have saved him. The excessive amount of paper money in circulation had encouraged reckless speculation, and nominally raised property to more than its real value. The Specie Circular of 1836, by reviving the demand for gold and silver, had destroyed most of the banks which had not Government deposits at command. The demand for the deposits, for distribution among the States, completed the ruin of many of the "pet banks." They had treated the deposits as capital, to be used in loans to business men, and now had to return them.

2. The sudden calling in of these loans began

the **Panic of 1837,** to which nothing comparable had before been seen in America. Early in May the New York City banks refused to pay gold or silver for their notes, and the New York Legislature authorized a suspension of specie payments throughout the State for one year. Banks in other cities at once suspended. May 15th, the President, by Proclamation, called an Extra Session of Congress, to meet September 4th, and consider and secure the financial interests of the Government. During the summer of 1837 the Panic continued its course, wrecking banks and corporations, bankrupting business men, and violently reducing fictitious fortunes to their real value.

3. Congress met September 4th, 1837. In the **XXVth Congress, Extra Session.** Senate there was an Administration majority. In the House James K. Polk of Tennessee, a Democrat, was re-elected Speaker, though the vote (116–103) shows a great increase of Whig members. Most of the Calhoun Democracy were now supporting the Administration. The **President's Message** recommended that the Government should not interfere directly with the Panic, believing that it would finally right itself more safely and more easily. He also recommended the adoption by the Government of the "Sub-Treasury plan." [1] This was regarded by the Whigs, and by some of the Democrats, as an endeavor to break down all the

[1] See page 127. It is otherwise called the "Independent Treasury plan."

banks in the country. Its democratic opponents formed a temporary party, calling themselves **Conservatives,** and generally voting with the Whigs on financial matters. A bill for the establishment of an Independent Treasury passed the Senate, but was tabled in the House by a combination of Whigs and Conservatives. Acts were passed to cease the distribution of revenue among the States, to authorize the issue of $10,000,000 in Treasury notes, and to give merchants further time on their revenue bonds. Congress adjourned October 16th.

4. Congress met December 4th, 1837. The bill **XXVth Congress, 1st Session.** for the establishment of an **Independent Treasury** was again pressed upon Congress by the Administration. It passed the Senate by a small majority, and was again defeated in the House by a Union of Whigs and Conservatives. The only measure for the relief of business passed at this Session was a joint resolution directing the Secretary of the Treasury to receive the notes of specie paying banks in payment for public lands, thus annulling the Specie Circular. The first open attempt to unite Texas to the United States was made at this Session, but failed. Congress adjourned July 9th, 1838.

5. Congress met December 3d, 1838. There **XXVth Congress, 2d Session.** was little party contest at this Session. Discussion was confined mainly to the Seminole War in Florida,

for the prosecution of which large amounts had been voted, with little apparent prospect of a successful termination. The disinclination of Congress and the Administration to interfere in the financial troubles of the country, while it agreed with the strict constructionist theory of the powers of the Federal Government, operated to the disadvantage of the Democratic party. Many of its former supporters were now ready to try Whig government. Congress adjourned March 3d, 1839.

XXVIth Congress, 1st Session.

6. Congress met December 2d, 1839. Continuous **Whig Successes** had given them a fair prospect of a majority in the House. Outside of New Jersey 119 Democrats and 118 Whigs had been returned to the House. In New Jersey members of the House were at that time elected on a general ticket by the whole State. The five Whig candidates had certificates of election under the broad seal of the State,[1] while the five Democratic candidates contested their election on the ground of a miscount in one county. The admission of either delegation would give its party a majority in the House. For three days a disorderly debate continued, there being no presiding officer until December 5th, when John Quincy Adams was spasmodically chosen chairman *pro tempore*. Unsuccessful attempts to choose a Speaker were made for two weeks longer, many motions being voted

1 Hence this contest is often called the Broad Seal War.

upon by both the New Jersey delegations. December 17th, R. M. T. Hunter, of Virginia, a Sub-Treasury Whig, was chosen Speaker. **The New Jersey Question** was not settled until March, 1840, when the Democratic delegation was seated, many Whigs not voting because of lack of time to examine the evidence in the case.

7. The party contest over the organization of the House took up so much time that few measures of general interest were passed at this Session. The most notable event was the final success of the **Independent Treasury Scheme,** which had twice been rejected by the previous Congress. It was passed by both Houses, and signed by the President.[1] The "divorce of bank and state," which the President had been laboring to accomplish, was thus successful. The strict constructionist policy of the President was also successful in the entire suspension of appropriations for Internal Improvements.[2] Congress adjourned July 21st, 1840.

8. The **Whig National Convention** met at Harrisburgh, Pa., December 4th, 1839. It adopted no platform. For the purpose of uniting the Anti-Masonic and other opposition elements it reluctantly abandoned Clay, and nominated William H.

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1 It will be seen that the Whigs at the next Session made unsuccessful attempts to substitute a National Bank for the Sub-Treasury plan.

2 The tools, etc., belonging to the Government were ordered to be sold at auction.

Harrison, of Ohio, and John Tyler, of Virginia.[1] The **Democratic National Convention** met at Baltimore, May 5th, 1840, and adopted a strict constructionist platform, denying the power of Congress to carry on Internal Improvements, to protect manufactures, to charter a National Bank, or to interfere with Slavery in the States. It unanimously renominated the President, but left nominations for the Vice-Presidency to be made by the various States. The Abolitionists, or **Liberty Party,** made Presidential nominations November 13th, 1839. The candidates were James G. Birney, of New York, and Francis Lemoyne, of Pennsylvania.

9. The nomination of General Harrison, and the Whig attacks upon Van Buren and his financial policy, created an enthusiasm which Van Buren's nomination did not meet. Log-cabins and hard cider, which were supposed to be typical of Harrison's frontier life, became popular with the Whigs, whose hopes were renewed by their success in the State elections of the summer and fall of 1840. At the **Presidential Election** in November the united opposition abundantly gratified their personal hostility to Van Buren. The Whig electors were overwhelmingly successful. Democratic electors were chosen by only two Northern, and five

1 Tyler was a Strict Constructionist, a Calhoun Democrat, who had refused to follow the rest of his faction in supporting the Administration. His nomination was intended to gratify the Southern portion of the Opposition by an office of much honor and little importance.

Southern States. The new Abolition party did not succeed in choosing any electors, but polled a popular vote of 7,609.

10. Congress met December 7th, 1840. There was little party contest at this Session. In February, 1841, the electoral votes were counted, and were found to be, for President, 234 for Harrison, and 60 for Van Buren, and for Vice-President, 234 for Tyler, 48 for Richard M. Johnson, of Kentucky, 11 for L. W. Tazewell, of Virginia, and 1 for James K. Polk, of Tennessee. **Harrison** and **Tyler** were therefore declared elected. March 3d, 1841, Congress adjourned, and March 4th Harrison and Tyler were sworn into office.

XXVIth Congress, 2d Session.

CHAPTER XV.

FOURTEENTH ADMINISTRATION, 1841–1845.

William Henry Harrison, President. John Tyler, Vice-President. XXVIIth and XXVIIIth Congresses.

Popular vote for President in 1840: *Whig*, 1,275,017, *Democratic*, 1,128,702.

1. **The President's Inaugural Address** condemned any excessive use of the veto power, the employment for political purposes of Executive control over public officials, and all Presidential experiments upon the currency. March 17th the President, by proclamation, called an Extra Session of Congress, to meet May 31st and consider the financial difficulties of the Government. Before any further developments of the President's policy could take place, a short illness resulted in his death, April 4th. According to law **John Tyler** became President. He retained President Harrison's Cabinet, and promised to carry out his policy.

2. Congress met May 31st, 1841.[1] In the House **XXVIIth Congress, Extra Session.** John White, of Kentucky, a Whig, was chosen Speaker. The Whigs at once began the change in financial

[1] Senate, 28 Whig, 22 Dem. House, 133 Whig, 108 Dem.

policy to which they were pledged. A bill to abolish the Sub-Treasury of the previous Administration was passed by both Houses and signed by the President. A bill to incorporate **The Fiscal Bank of the United States** was passed by both Houses. It was weeded of many of the objectionable features of the old United States Bank, but was hardly less odious to the Democrats. It was vetoed by the President. His objection was that the powers given to the Bank were such as he and the majority of the people believed it to be unwise and unconstitutional for Congress to grant. An effort to pass the bill over the veto did not receive a two-thirds majority.

3. The Whig leaders, anxious to prevent a party disaster, asked from the President an outline of a bill which he would sign. After consultation with the Cabinet, it was given, and passed by both Houses. September 9th the President vetoed this bill also, and an attempt to pass it over the veto did not receive a two-thirds majority. The action of the President, in vetoing a bill drawn according to his own suggestions, and thus apparently provoking a contest with the party which had elected him, roused the unconcealed indignation of the Whigs. The Cabinet, with one exception,[1] at once resigned. The Whig members of Congress issued **Addresses to the People,** in which they detailed the reforms designed by the Whigs and im-

1 Daniel Webster, of Massachusetts, Secretary of State.

peded by the President, and declared that "all political connection between them and John Tyler was at an end from that day forth." At this Session an Act was passed to distribute the proceeds of the sales of public lands among the States. Congress adjourned September 13th, 1841.

4. **The President** filled the vacancies in the Cabinet by appointing Whigs and Conservatives His position was one of much difficulty. His strict constructionist opinions, which had prevented him from supporting Van Buren, would not allow him to approve a National Bank, and yet he had accepted the Vice-Presidency from a party pledged to establish one. The over hasty declaration of war by the Whigs put a stop to his vacillations, and compelled him to rely upon support from the Democrats. But only a few members of Congress, commonly known as "the corporal's guard," recognized Tyler as a leader. The Democrats only supported him as a means to success, and were encouraged in so doing by the State elections of 1841, which were unfavorable to the Whigs.

5. Congress met December 6th, 1841. Although **XXVIIth Congress, 1st Session.** Congress had decided to refuse consideration to petitions for the abolition of Slavery, they continued to be sent. John Quincy Adams, of Massachusetts, made himself prominent in presenting them to the House, and an unsuccessful attempt was made to censure him. In March, 1842, in the House. **Gid-**

dings, of Ohio, presented a set of resolutions which are noteworthy as containing the basis for the subsequent resistance to the extension of Slavery to the Territories. They declared that Slavery, being an abridgment of the natural rights of man, can exist only by force of positive municipal law, and is necessarily confined to the territorial jurisdiction of the power creating it. For offering these resolutions the House censured their author. He resigned his seat, was re-elected at a special election in April, and again took his seat in the House early in May.

6. The reduction of duties by the Compromise Tariff of 1833 had gone so far that the Government revenues were less than expenses. The Whig majority passed a bill continuing for the present the duties under the Tariff of 1833, and providing for the distribution of any surplus revenue among the States. The President vetoed it, on the ground that it was in violation of the Compromise of 1833 by which Protection was to cease after 1842. A Tariff designed to afford a revenue was then passed by both Houses, still continuing the objectionable provision for the distribution of the surplus. This was also vetoed. In the House the Veto Message was referred to a committee, whose report condemned the President's undue assumption of power. Against this the President sent a formal protest. The bill was then passed by both Houses, without the distributing clause,

signed by the President, and became the **Tariff of 1842.** The **Webster-Ashburton Treaty** of August 9th, 1842, ended various controversies, settled the North-eastern boundary, stipulated for the suppression of the slave-trade, and inaugurated our system of extradition. Congress adjourned August 31st, 1842.

7. Congress met December 5th, 1842. There was little party contest at this Session. On its last day a few Anti-Slavery Whigs issued an address to the people, warning them that the scheme for the annexation of **Texas** had never been abandoned, but was still in progress, and that its success would result in and justify a dissolution of the Union. Congress adjourned March 3d, 1843.

XXVIIth Congress, 2d Session.

8. Congress met December 4th, 1843. In the House John W. Jones, of Virginia, a Democrat, was chosen Speaker. The majority in the Senate was Whig, and in the House Democratic,[1] and the consequent disagreement prevented united action, and encouraged the President in his reliance upon the Democrats. The **President's Message** had recommended that any appropriations for Internal Improvements should be made for the benefit of the Western States. Two bills were passed, the Eastern Harbor Bill, and the Western Harbor Bill. The President signed the Western Bill, and vetoed

XXVIIIth Congress, 1st Session.

1 Senate, 28 Whig, 24 Dem. House, 142 Dem., 81 Whig.

the Eastern Bill. An attempt to pass it over the veto did not receive a two-thirds majority. The Administration concluded a treaty with Texas, providing for annexation. It was rejected by the Senate by a strong vote (35–16), all the Whigs and 7 Democrats voting against it. Congress adjourned June 17th, 1844.

9. The **Annexation of Texas** was now rapidly becoming a party question. The South was determined to accomplish it. It was felt that if the South must stop at the Sabine (the Eastern boundary of Texas), while the North might spread unchecked beyond the Rocky Mountains, "the Southern scale must kick the beam," and the existence of Slavery would be endangered. Before the National Conventions met the views of the leading candidates upon the question of annexation had been asked and given. Van Buren guardedly announced himself as opposed to the *present* annexation of Texas. Clay expressed himself more plainly to the same effect.

10. The National Convention of the **Liberty Party** met at Buffalo, August 30th, 1843. It adopted a long series of resolutions, denouncing Slavery, and calling upon the Free States for penal laws to stop the return of fugitive slaves. It nominated James G. Birney, of Michigan, and Thomas Morris, of Ohio. The **Whig National Convention** met at Baltimore, May 1st, 1844, and adopted a concise loose constructionist platform,

advocating a national currency, a protective tariff, and a distribution of surplus revenue among the States. It nominated Henry Clay, of Kentucky, and Theodore Frelinghuysen, of New York. The **Democratic National Convention** met at Baltimore, May 27th, 1844, and again adopted its strict constructionist platform of 1840, with an additional article demanding the re-occupation of Oregon, and the re-annexation of Texas. A large majority of the delegates came pledged to vote for Van Buren, whose views on the Texas question did not satisfy the Southern delegates. They succeeded in destroying his chances of a nomination by the adoption of the rule of two former Democratic Conventions, that nominations must be made by a two-thirds vote.[1] Van Buren had a majority, but not two-thirds. After eight ballots his name was withdrawn, and the Convention nominated James K. Polk, of Tennessee, and Silas Wright, of New York. Wright declined, and George M. Dallas, of Pennsylvania, was substituted. An abortive Convention of office-holders at Baltimore renominated Tyler. He accepted the nomination, but soon withdrew.

11. The Democratic party was thus committed to the annexation of Texas, though the demand for the Tariff of 1842, and for "the whole of Oregon or none, with or without war with England," helped to gain votes. Nevertheless Whig success seemed

1 This has since been the rule in Democratic National Conventions.

probable until the appearance of an unfortunate letter of Clay's, in which he tried to conciliate Southern Democrats by saying that he would be "glad to see" the annexation take place at some future time. By this ill-judged piece of diplomacy he gained no Democratic votes, for Polk was a warm advocate of annexation, and lost those of the extreme Anti-Slavery Whigs and Abolitionists, who purposely threw away on Birney and Morris a number of votes which would have carried New York and thus elected Clay. They were therefore the real agents in the election of Polk, the annexation of Texas, and the extension of Slavery to a vast amount of new territory.

12. The **Presidential Election** in November resulted in Democratic success. But it was the most closely contested election in our history, except those of 1800 and 1876. The result in 14 of the 26 States was doubtful for two days, and most of these chose Polk electors by very slender majorities. In several of them the small Abolition vote would have turned the scale, and chosen Clay electors. A majority of the members chosen to the XXIXth Congress were in favor of a lower Tariff than that of 1842.

13. Congress met December 2d, 1844. A bill to organize a territorial government for Oregon, up to the line of 54° 40′ North latitude, and beyond the line claimed by England as the true

XXVIIIth Congress, 2d Session.

boundary, was passed by the House, but, as it prohibited Slavery, the Senate declined to consider it. The annexation of **Texas** took up most of the time of this Session. Mexico had abolished Slavery twenty years before, and therefore Texas was by Mexican law free territory.[1] Propositions to prohibit Slavery in Texas were voted down. The Joint Resolution to annex Texas was passed by both Houses, and signed by the President. It prohibited Slavery in any States to be formed from the territory of Texas north of the Missouri Compromise Line (36° 30′ North latitude), and left the question to be settled by the people in States formed south of that line.

14. Appropriations were made at this Session for both Eastern and Western harbors. The President disposed of them by a pocket veto. In February, 1845, the electoral votes were counted and were found to be, for Polk and Dallas 170, and for Clay and Frelinghuysen 105. **Polk** and **Dallas** were therefore declared elected. March 3d, **Florida** became a State of the Union, and arrangements were made for the future admission of Iowa. The same day the President sent a messenger to secure the consent of Texas to the annexation. March 3d, 1845, Congress adjourned, and March 4th, Polk and Dallas were sworn into office.

1 The Republic of Texas, however, had re-established Slavery by law.

CHAPTER XVI.

FIFTEENTH ADMINISTRATION, 1845–1849.

James K. Polk, President. **George M. Dallas, Vice-President. XXIXth and XXXth Congresses.**

Popular vote for President in 1844. *Dem.* 1,337,243, *Whig* 1,299,068, *Ab.* 62,300.

1. THE policy of **Rotation in Office,** laid down by Jackson in 1829 and accepted by the Whigs in 1841, was now finally established by the new Administration. It has been the rule since that time that every Presidential election shall be marked by a wholesale removal of office-holders, whose places are filled by friends of the new Administration.

2. **Annexation** had been accepted by the Congress of Texas and by a Popular Convention. Mexico was so occupied by intestine dissensions and revolution that her exhibition of resentment was at first confined to a formal protest, and the withdrawal of her Minister from Washington. No aggressive movement was made by her even when United States troops under General Taylor occupied the Eastern bank of the Nueces River, beyond which Texas had never hitherto exercised jurisdiction.

3. Congress met December 1st, 1845, with a

XXIXth Congress, 1st Session. Democratic majority in both branches.[1] In the House John W. Davis, of Indiana, a Democrat, was chosen Speaker. The President's Message condemned all Anti-Slavery agitation, recommended a Sub-Treasury and a Tariff for Revenue, and spoke of the annexation of Texas as a matter which concerned only Texas and the United States. December 29th **Texas** became a State of the Union. December 31st an Act was passed extending the United States revenue system over the doubtful territory beyond the Nueces River, and a revenue officer was appointed to reside in the new district. Even these steps did not induce hostilities. Mexico still declared her willingness to negotiate concerning the disputed territory between the Nueces and the Rio Grande.

4. In March, 1846, **Hostilities** were precipitated by an order from the President to General Taylor to advance from the Nueces to the Rio Grande, and occupy the debatable district. He obeyed, and was thus brought face to face with Mexican troops. Early in May Arista, with 6000 Mexicans, crossed the Rio Grande, attacked Taylor and his force of 2300 men at Palo Alto, and was badly beaten. On the following day Taylor assumed the offensive, attacked Arista at Resaca de la Palma, and drove him in headlong retreat across the Rio Grande.

[1] Senate, 30 Dem., 25 Whig. House, 142 Dem., 75 Whig, and 6 others.

5. May 11th, 1846, the President sent a **War Message** to Congress in which he detailed the preliminary skirmishes on the Rio Grande, declared that Mexican troops had at last shed the blood of American citizens on American soil, and asked for a Declaration of War. A bill to recognize the existence of war, and to appropriate $10,000,000 for its prosecution, was at once passed by both Houses. Its preamble was as follows: "Whereas, by the act of the Republic of Mexico, a state of war exists between that government and the United States." This was considered a falsehood by the Whigs. They thought that President Polk had provoked hostilities by ordering the army into Mexican territory. Nevertheless they generally voted, under protest, for the declaration, on the ground that the army had been forced into a perilous situation, and must be rescued. On the same ground they generally supported the war until its conclusion. The Liberty party, particularly in New England, opposed the war bitterly.[1]

6. August 8th a Special Message from the President asked for money with which to purchase territory from Mexico, that the war might thus be settled by negotiation. A bill appropriating $2,000,000 for this purpose at once brought up the Slavery question, for it was certain that any newly acquired territory would swarm with slave-holders, who would demand protection in the possession of their

1 Their feeling is represented by Lowell's "Biglow Papers."

slaves. In the House Wilmot, of Pennsylvania, on behalf of many Northern Democrats, offered an addition to the bill, applying to any newly acquired territory the provision of the Ordinance of 1787,[1] that "neither Slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted." This was the celebrated **Wilmot Proviso.** The Whigs and Northern Democrats united in favor of it, and it passed the House, but was sent to the Senate too late to be acted upon.

7. During this Session war with England upon the **Oregon Question** seemed imminent. By the treaties of 1803 with France, and 1819 with Spain, the United States had acquired the rights of those powers on the Pacific coast, north of California. The Northern boundary of the ceded territory was unsettled. The United States claimed that the boundary was the line 54° 40′ North latitude. England claimed that it followed the Columbia River. By a convention of 1827 the disputed territory had been held by both countries jointly, the arrangement being terminable by either country on twelve months' notice. The last Democratic Convention had demanded the "*re*-occupation" of the whole of Oregon (up to 54° 40′), with or without war with England.[2] The "*re*-annexation" of Texas having been accomplished, the

1 See page 60.

2 Popularly summed up as "fifty-four-forty-or-fight."

Whigs now began to urge the Democrats to carry out their programme in regard to Oregon. Against the votes of the extreme Southern Democrats, the President was directed to give the requisite twelve months' notice to England.

8. June 15th, 1846, the Oregon question was settled by a **Treaty with England,** by which the United States abandoned the line of 54° 40′, and accepted that of 49° North latitude as the Northern boundary. A bill to organize the Territory of Oregon, with the Wilmot Proviso attached, was passed by the House, against the votes of the Southern Democrats, but was not acted upon by the Senate.

9. At this Session the **Tariff of 1846** was passed by a party vote. It followed the strict constructionist theory in aiming at a list of duties sufficient only to provide revenue for the Government, without regard to Protection. A **River and Harbor Improvement Bill** was passed by both Houses. It was vetoed by the President on the ground that the Constitution did not, in his opinion, give the Federal Government any power to appropriate money for the purpose of making Internal Improvements within the States. Congress adjourned August 13th, 1846.

10. Congress met December 7th, 1846. Decem-
XXIXth Congress, ber 28th, **Iowa** became a
2d Session. State of the Union. The
President's Message announced the continued

success of the American arms in Mexico, and argued that the Rio Grande should be considered the Western boundary of Texas. The necessary measures for the prosecution of the war took up most of the time of this Session. A bill appropriating $3,000,000 for the purchase of territory from Mexico was passed by the House with the Wilmot Proviso attached. The Senate passed the bill, but without the Wilmot Proviso, and, after an unavailing struggle by the Whigs, the House adopted the bill as it came from the Senate. The bill to organize the Territory of Oregon, with the Wilmot Proviso, was again passed by the House, and again left without action by the Senate. A motion in the House by a Southern member to recognize the Missouri Compromise Line (36° 30′) as extending to the Pacific was lost by a sectional vote, South against North. A River and Harbor Improvement Bill was again passed, but so near the end of the Session that the President was able to dispose of it by a "pocket veto." Congress adjourned March 3d, 1847.

XXXth Congress, 1st Session.

11. Congress met December 6th, 1847, with a Democratic majority in the Senate, and a Whig majority in the House.[1] Robert C. Winthrop, of Massachusetts, a Whig, was chosen Speaker of the House. The subject of **Internal Improvements** was again brought up, and the House

1 Senate, 35 Dem., 21 Whig. House, 117 Whig, 108 Dem.

resolved by a large majority that the General Government had the power to improve harbors and rivers for the advantage of commerce and for the common defense. A resolution embodying the substance of the Wilmot Proviso was tabled. It did not have, as in the last Congress, the whole Free State Democratic vote in its favor.[1]

12. **Peace** was made with Mexico in February, 1848, and a large increase of territory was thereby gained by the United States. As a compromise between the advocates and the opponents of the extension of Slavery, a bill was passed by the Senate, establishing territorial governments in Oregon, New Mexico and California, with a provision that all questions concerning Slavery in those Territories should be referred to the United States Supreme Court for decision. It was voted for by the members from Slave States, and lost in the House. A bill was then passed in the House, by a sectional vote, to organize the **Territory of Oregon,** without Slavery. This was passed by the Senate, with an amendment declaring that the Missouri Compromise Line extended to the Pacific Ocean. This would have divided the United States into two parts, the Northern free, and the Southern slave. The amendment was rejected by the House, again by a sectional vote, and, the Senate withdrawing, the bill passed. Congress adjourned

1 Twenty-five Free State Democrats voted against it.

August 14th, 1848. May 29th **Wisconsin** had become a State of the Union.

13. The **Democratic National Convention** met at Baltimore, May 22d, 1848. It renewed the strict constructionist platform of 1840 and 1844, and nominated Lewis Cass, of Michigan, and William O. Butler, of Kentucky. A resolution that Congress had no power to interfere with Slavery, either in the States or in the Territories, was voted down by a heavy majority. The **Whig National Convention** met at Philadelphia, June 7th, and nominated Zachary Taylor, of Louisiana, and Millard Fillmore, of New York. No platform was adopted, and resolutions affirming the Wilmot Proviso as a party principle were repeatedly voted down. It was thus evident that the Whigs were not ready to become an Anti-Slavery party, nor were the Democrats ready to become a Pro-Slavery party. The State of New York had sent two delegations to the Democratic Convention, the "Hunkers," or Conservatives, who wished to leave the Slavery question in abeyance, and the "Barnburners,"[1] or Free Soil Democrats, who opposed any further extension of Slavery into the Territories. The Convention admitted both, dividing the vote of New York between them. The Barnburners withdrew, and attended the National Convention of a new party, the **Free Soilers,** at

1 This was originally a term applied by their opponents to their supposed revolutionary principles. It made no charge of practical arson.

Buffalo, August 9th. It adopted a platform declaring that Congress had no more power to make a slave than to make a king, and that there should be no more Slave States, and no more Slave Territories. It nominated Martin Van Buren, of New York, and Charles Francis Adams, of Massachusetts.

14. The Free Soilers (or Free Democracy) were joined by the old Liberty party, and by many Democrats who were offended at the support given by Southern Democrats to the efforts to establish Slavery in the territory lately won from Mexico. In the South many former Democrats preferred a slave-holding candidate without a platform to a non slave-holding candidate on a platform in which support of Slavery had been voted down. The **Presidential Election** in November resulted in the success of the Whig electors in a majority both of the Free and of the Slave States. The belief of the Northern Democrats that they had been betrayed by the Southern Democrats in the election had its natural effect in the next Session of Congress, where the Free State Democrats voted for every measure aimed at Slavery.

15. Congress met December 5th, 1848. A bill **XXXth Congress, 2d Session.** to organize the Territories of New Mexico and California, with the Wilmot Proviso, was passed by the House by a sectional vote, almost all the Free State Democrats voting for it. The Senate refused to consider it. The House then passed a resolution

condemning the sale of slaves in Washington as "notoriously a reproach to our country throughout Christendom," which roused the indignation of Southern members. Late in the Session the Senate passed the General Appropriation Bill for government expenses, with a "rider,"[1] organizing the **Territories of New Mexico and California,** permitting Slavery. Its object was to compel the House to yield, or leave the Government penniless. The House threw this responsibility back upon the Senate by substituting for its rider a provision that until July 4th, 1850, the existing Mexican laws of those Territories should remain in force. As Mexico had abolished Slavery this would have made the new Territories free. On the last night of the Session the Senate unwillingly struck out its "rider" and the House substitute, and passed the Appropriation Bill as it originally came from the House.

16. Another River and Harbor Improvement Bill was passed by the House, but was not acted upon by the Senate. In February, 1849, the electoral votes were counted and were found to be, for Taylor and Fillmore 163, and for Cass and Butler 127. **Taylor** and **Fillmore** were therefore declared elected. March 3d, 1849, Congress adjourned, and March 5th Taylor and Fillmore were sworn into office.

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1 That is, an addition having no reference to the subject matter of the original bill.

CHAPTER XVII.

SIXTEENTH ADMINISTRATION, 1849–1853.

Zachary Taylor, President. **Millard Fillmore, Vice-President.**
XXXIst and XXXIId Congresses.

Popular vote for President in 1848 : *Whig* 1,360,101, *Dem.* 1,220,544, *Free Soil* 291,263.

1. TAYLOR'S Inauguration marks the beginning of a **Process of Change** which in a few years destroyed one of the two great parties, and changed the character of the other. The Free Soil Democrats, who opposed any extension of Slavery to the Territories, and had therefore abandoned the Democratic party, saw no reason for joining the Whig party, which had distinctly rejected the principle of the Wilmot Proviso. The consequent loss of the Democrats, in numbers, was more than balanced by the accession of Pro-Slavery Whigs who made their new party progressively more Pro-Slavery. The Whig losses had no compensating gains. The disintegration of the party continued from its success in electing a slave-holding President in 1848 until the rise of its anti-slavery successor in 1855–56.

2. The accession of Pro-Slavery Whigs soon

brought prominently forward the doctrine which the last Democratic National Convention had voted down, that the Constitution gave Congress no power to interfere with Slavery in the Territories, and that the people of each Territory should allow or prohibit Slavery as they pleased. This was **Squatter Sovereignty.**[1] Of course it would follow from this that the Missouri Compromise of 1820 was illegal and unconstitutional, as it abolished Slavery in the Territories North of 36° 30′. But this consequence was not at first mentioned, and, perhaps, not thought of.

3. As Squatter Sovereignty was a strict constructionist theory, it was more easy to force it upon the Democratic than upon the Whig party. From this time, therefore, Southern leaders aimed to control the Democratic party more thoroughly, abandoning its opponent after an effort to use it as an instrument in completing the work of Democracy.[2] The struggle between the advocates of the Wilmot Proviso, which forbade Slavery in the new territory, and of Squatter Sovereignty, which allowed its introduction, if desired by the people, was precipitated by the **Discovery of Gold** in California. The consequent rush of immigration increased the population of California so rapidly that a State constitution was ratified November 13, 1849, expressly prohibiting Slavery. This practical application of

1 Otherwise called Popular Sovereignty.

2 At the Presidential Convention of 1852.

Squatter Sovereignty was equally surprising and unwelcome to its first advocates.

XXXIst Congress, 1st Session.

4. Congress met December 3d, 1849, with a Democratic majority in the Senate, and no party majority in the House, the Free Soilers holding the balance of power between the other two parties.[1] The Free Soilers refused to vote for either the Whig or the Democratic candidates for Speaker, and, after 62 unavailing ballots in which no one had a majority of all the votes, it was agreed that the highest number of votes should elect. The House then chose as Speaker Howell Cobb, of Georgia, a Democrat and an advocate of the extension of Slavery.

5. California applied for admission as a State February 13th, 1850. Shortly before the application Clay had submitted a proposition to compromise the conflicting claims of the advocates of Slavery extension and of Slavery restriction. His proposition included seven points: (1) the admission of any new States properly formed from Texas, (2) the admission of California, (3) the organization of the Territories of New Mexico and Utah, without the Wilmot Proviso (*i.e.* with Squatter Sovereignty), (4) the passage of the last two measures in one bill, (5) the payment of a money indemnity to Texas, (6) a more rigid Fugitive Slave Law, (7) the abolition of the slave trade, but not of Slavery,

1 Senate, 35 Dem., 25 Whig, 2 Free Soilers. House, 110 Dem., 105 Whig, 9 Free Soilers.

in the District of Columbia. This was the basis of the **Compromise of 1850.** It was opposed by the Whigs and Free Soilers, who considered it a surrender of free soil to the slave power, and by the extreme Southern Democrats, who considered it a surrender of the slave-holder's right to hold his property and slaves wherever he pleased to settle. But it was undoubtedly satisfactory to the great majority of the people, as averting civil war and disunion.

6. The Compromise of 1850 was originally united in one bill.[1] It was debated throughout the Session, and gradually divided into a number of separate bills. These were all passed, during the months of August and September, by both Houses, and became law. **California** thus became a State of the Union September 9th, 1850. Perhaps the most important, in its bearing upon future events, was the **Fugitive Slave Law,** which was much more stringent in its provisions than the one already in existence. It directed and encouraged the surrender of fugitive slaves by United States Commissioners in the North, without any trial by jury, and commanded all good citizens to aid in making arrests. The work of chasing and arresting fugitive slaves in the Northern States was at once begun, and carried on diligently, often inhumanly. The consequent disgust and horror caused the passage, by some Northern Legislatures, of **Personal Lib-**

1 Commonly called the Omnibus Bill, from its all-embracing nature.

erty Laws, intended to protect free negroes falsely alleged to be fugitive slaves. Congress adjourned September 30th, 1850.

7. July 9th President Taylor died, and **Vice-President Fillmore** became President in his stead. The change had no effect upon party contests, the Administration remaining Whig, as before.

8. Congress met December 2d, 1850. There was little party contest at this Session. The questions of Tariff, Internal Improvements, and a National Bank, had, for a time at least, disappeared. On the question of Slavery, which had so suddenly sprung into controlling interest, neither party was ready to take a decided stand. The business of this Session was therefore confined to routine, with occasional debates on Slavery. Congress adjourned March 3d, 1851.

XXXIst Congress, 2d Session.

9. Congress met December 1st, 1851, with a Democratic majority in both branches.[1] In the House Linn Boyd, of Kentucky, a Democrat, was chosen Speaker. The increased Democratic majority in Congress marks the satisfaction with which the people generally had received the Compromise of 1850, as they understood it. There was little party contest at this Session. The question of Slavery was considered settled, and the Democratic

XXXIId Congress, 1st Session.

1 Senate, 34 Dem., 23 Whigs, 3 Free Soilers. House, 140 Dem., 88 Whigs, 5 Free Soilers.

majority generally supported the measures recommended by the Administration for carrying on the government. This Session, however, is noteworthy for the first mention of a measure destined to transfer the conflict between Slavery and its opponents to the country west of Missouri, stretching to the Rocky Mountains, and called, from its principal river, **the Platte Country.**[1] It had become a through route to California, and its population was increasing. It now applied for organization as a Territory, but the application was not acted upon. Congress adjourned August 31st, 1852.

10. The **Democratic National Convention** met at Baltimore, June 1st, 1852. It renewed the strict constructionist platforms of preceding Conventions, endorsed the Kentucky and Virginia Resolutions of 1798, and pledged the Democratic party to the faithful observance of the Compromise of 1850, including the Fugitive Slave Law, and to a steady opposition to any agitation of the Slavery question. It nominated Franklin Pierce, of New Hampshire, and William R. King, of Alabama. The **Whig National Convention** met at Baltimore, June 16th. It adopted a loose constructionist platform, more cautiously worded than those of former Conventions, and endorsed the Compromise of 1850 and the Fugitive Slave Law in terms very similar to those of the Democratic platform. After a session of six days it nominated Winfield

1 Now called Kansas.

Scott, of Virginia, and William A. Graham, of North Carolina. The **Free Soil Democratic Convention** met at Pittsburgh, August 11th. It adopted a platform declaring Slavery to be a sin against God and a crime against man, and denouncing the Compromise of 1850, and the two parties who supported it. It nominated John P. Hale, of New Hampshire, and George W. Julian, of Indiana.

11. The success of the Southern delegates in committing the Whig Convention to the support of the Compromise of 1850 did not injure the party so much at the time as it did afterward, when the real nature of that Compromise was declared.[1] At the **Presidential Election** in November its popular vote was slightly increased since the previous election, although most of the Free Soil vote was drawn from it. Nevertheless the Whig electors carried only four States,[2] the other twenty-seven States choosing Democratic electors, though generally by very small majorities.

12. Congress met December 6th, 1852. A bill **XXXIId Congress, 2d Session.** was passed by the House to organize the **Territory of Nebraska,** with the same boundaries as the formerly proposed Territory of Platte. It was tabled in the Senate. The opposition to it came from Southern members who were preparing, but

1 The Whig party was then forcibly said to have died "of an attempt to swallow the Fugitive Slave Law."

2 Massachusetts, Vermont, Kentucky, and Tennessee.

were not yet ready to announce, their next advanced claim, that the Compromise of 1850 had superseded and voided that of 1820, abolished the prohibition of Slavery in the territory North of the Missouri Compromise Line (36° 30′ North latitude), and opened it to the operation of Squatter Sovereignty. In February, 1853, the electoral votes were counted, and were found to be, for Pierce and King 254, and for Scott and Graham 42. **Pierce** and **King** were therefore declared elected. March 3d, 1853, Congress adjourned, and March 4th Pierce was sworn into office.[1]

1 Vice-President King, on account of illness, was sworn into office afterward.

CHAPTER XVIII.

SEVENTEENTH ADMINISTRATION, 1853-1857.

Franklin Pierce, President. **William R. King, Vice-President.**
XXXIIId and XXXIVth Congresses.

Popular vote for President in 1852 *: Dem.* 1,601,-474, *Whig* 1,386,578, *Free Soil* 156,149.

1. CONGRESS met December 5th, 1853. The **XXXIIId Congress, 1st Session.** Democratic majority in both branches was increased.[1] In the House Speaker Boyd was again elected. The President's Message assured those who had elected him that he intended to carry out the Compromise of 1850, in all its parts. A Senate bill to organize the **Territory of Nebraska** was interfered with by a demand from a Southern Senator that the Missouri Compromise should not be so construed as to prohibit Slavery in the new Territory. The bill was at once dropped. But a sufficient number of Free State Democrats soon acquiesced in the Southern demand to make it a success.

2. January 23d, 1854, the famous **Kansas-**

1 Senate, 36 Dem., 20 Whigs, 2 Free Soilers. House, 159 Dem., 71 Whigs, 4 Free Soilers.

Nebraska Bill was introduced in the House. It divided the territory covered by the previous Nebraska bill into two Territories, one directly west of Missouri and between the parallels of 37° and 40°, to be called Kansas, and the other north of this and between the parallels of 40° and 43°, to be called Nebraska. According to the Compromise of 1820 both of these Territories were forever barred to Slavery. But this bill distinctly declared that the Compromise of 1820 was inconsistent with the constitutional principle of non-interference with Slavery by Congress, that it was therefore inoperative, void, and repealed by the Compromise of 1850, and that hereafter each Territory, whether north or south of the parallel of 36° 30′, should admit or exclude Slavery as its people should decide. This bill was passed by the Senate, its only opponents being the Northern Whigs and Free Soilers.

3. The Kansas-Nebraska Bill did not come up in the House until about two months later. The Southern Democrats and Southern Whigs united in favor of it. The Northern Democrats were evenly divided,[1] and the Northern Whigs and Free Soilers united against it. The division between the Democratic opponents and advocates of the Kansas-Nebraska Bill was soon healed. The division between Northern and Southern Whigs was final. The Northern Whigs at once repudiated

1 There were 88 Northern Democratic votes, 44 for, and 44 against it.

their old party name, and were called at first **Anti-Nebraska Men.** The Southern Whigs kept the party name alive a few years longer, but their principles on the controlling question of Slavery were so similar to those of the Southern Democracy that they can hardly be called a distinct party. Congress adjourned August 7th, 1854.

4. A new party had by this time risen to active importance in American politics. It appeared in 1852,[1] in the form of a secret, oath-bound organization, of whose name, nature, and objects, nothing was told even to its members until they had reached its higher degrees. Their consequent declaration that they knew nothing about it gave the society its popular name of **Know Nothings.** It accepted the name of the **American Party.** Its design was to oppose the easy naturalization of foreigners, and to aid the election of native-born citizens to office. Its nominations were made by secret conventions of delegates from the various lodges, and were voted for by all members under penalty of expulsion in case of refusal. At first, by endorsing the nominations of one or other of the two great parties, it decided many elections. After the passage of the Kansas-Nebraska Bill, the

1 The Hartford Convention had complained of the easy naturalization of foreigners. A "Native American" party had existed in New York City in 1835, but it was only local, and soon disappeared. In 1843 a new "Native American" party had arisen in New York City, and extended to Philadelphia. Its Whig members left it in 1844 because of its refusal to vote for Clay, and it too disappeared.

Know-Nothing organization was adopted by many Southern Whigs, who were unwilling to unite with the Democracy, and became, for a time, a national party. It carried nine of the State elections in 1855, and in 1856 nominated Presidential candidates. After that time its Southern members gradually united with the Democracy, and the Know Nothing party disappeared from politics.

XXXIIId Congress, 2d Session.

5. Congress met December 4th, 1854. There was little party contest at this Session, which was chiefly noteworthy for a revival of the question of **Internal Improvements.** It secured Democratic votes by providing for detached public improvements. A River and Harbor bill was passed by both Houses, but was vetoed by the President. Congress adjourned March 3d, 1855.

XXXIVth Congress, 1st Session.

6. Congress met December 3d, 1855,[1] with a Democratic majority in the Senate. In the House the "Anti-Nebraska men" had a majority, but so many of them were Know Nothings that no candidate could control their entire vote. After 130 ballots for Speaker, lasting until February, 1856, it was agreed that the highest number of votes should elect, and N. P. Banks, Jr., of Massachusetts, an "Anti-Nebraska man," was chosen. The remaining time of this Session was occupied by the

1 Senate, 34 Dem., 25 Opposition. House, 117 Anti-Nebraska, 79 Dem., 37 Pro-Slavery Whigs.

Kansas Troubles, which will be referred to hereafter. A House Committee was sent to Kansas, and reported that no free or fair election had ever taken place in that Territory. The House voted an appropriation for the army, with a proviso forbidding the use of the army to enforce the acts of the Pro-Slavery Kansas Legislature.[1] The Senate rejected the proviso, and during the disagreement between the Houses the time fixed for adjournment arrived, and Congress adjourned August 18th, 1856, leaving the Army Bill unpassed. The President at once called an Extra Session of Congress, in which the Army Bill, without the proviso, was passed, and Congress again adjourned August 30th, 1856.

7. Early in 1856 the "Anti-Nebraska men" had adopted the name of the **Republican Party.**[2] The new name was at once recognized by the Democrats with the addition of a contemptuous adjective (*Black* Republican). It will be seen that the new party was a loose constructionist party, inheriting the desire of the Federalists and Whigs for Protective Tariffs, Internal Improvements, and a system of National Bank Currency, and adding to them the further principle that the Federal Government had power to control Slavery in the Territories. The new party had therefore an as-

1 See page 174.

2 First proposed, it is said, by Governor Seward, of New York, late in 1855.

sured existence from the first, for its additional loose constructionist principle was the only logical answer to the strict constructionist principle still avowed by the Democrats, that Congress had no constitutional power to interfere for or against Slavery in the Territories.

8. The attention of the whole country had now been turned to the struggle provoked by the Kansas-Nebraska Bill, and the repeal of the Missouri Compromise. The fertile soil of **Kansas** had been offered as a prize to be contended for by Free and Slave States, and both had accepted the contest. The Slave State settlers were first in the field. The slave-holders of Western Missouri, which shut off Kansas from the Free States, had crossed the border, pre-empted lands, and warned Free State immigrants not to pass through Missouri. The first election of a delegate to Congress took place November 29th, 1854, and was carried by organized bands of Missourians, who moved over the border on election day, voted, and returned at once to Missouri. The spring election of 1855, for a Territorial Legislature, was carried in the same fashion. In July, 1855, this Legislature, all Pro-Slavery, met at Pawnee, and adopted a State Constitution. To save trouble it adopted the laws of the State of Missouri entire, with a series of original statutes denouncing the penalty of death for nearly fifty offenses against Slavery.

9. All through the spring and summer of 1855

Kansas was the scene of almost continuous conflict, the **Border Ruffians** of Missouri endeavoring to drive out the **Free State Settlers** by murder and arson, and the Free State settlers retaliating. The cry of "bleeding Kansas" went through the North. Emigration societies were formed in the Free States to aid, arm, equip, and protect intending settlers. These, prevented from passing through Missouri, took a more Northern route through Iowa and Nebraska, and moved into Kansas like an invading army. The Southern States also sent parties of intending settlers. But these were not generally slave-holders, but young men anxious for excitement. They did not go to Kansas, as their opponents did, to plow, sow, gather crops and build up homes. Therefore, though their first rapid and violent movements were successful, their subsequent increase of resources and numbers was not equal to that of the Free State settlers.

10. The Territory soon became practically divided into a Pro-Slavery district, and a Free State district. Leavenworth in the former, and Topeka and Lawrence in the latter, were the chief towns. September 5th, 1855, a **Free State Convention at Topeka** repudiated the Territorial Legislature and all its works, as the acts and deeds of Missourians alone. It also resolved to order a separate election for delegate to Congress, so as to

force that body to decide the question[1] and to form a State government. January 15th, 1856, the Free State settlers elected State officers under the Topeka Free State Constitution.[2]

11. **The Federal Executive** now entered the field. January 24th, 1856, the President, in a Special Message to Congress, endorsed the Pro-Slavery Legislature and pronounced the attempt to form a Free State government, without the approval of the Federal authorities in the Territory, to be an act of rebellion. He then issued a proclamation, warning all persons engaged in disturbing the peace of Kansas to retire to their homes, and placed United States troops at the orders of Governor Shannon to enforce the (Pro-Slavery) laws of the Territory.

12. The population of Kansas was now so large that very considerable armies were mustered on both sides, and a desultory civil war was kept up until nearly the end of the year. During its progress two Free State towns, Lawrence and Ossawattomie, were sacked. July 4th, 1856, the Free State Legislature attempted to assemble at Topeka, but was at once dispersed by a body of United States troops, under orders from Washington.[3] Septem-

1 The question was decided by the admission of the Pro-Slavery delegate.

2 Under this (Topeka) Constitution Kansas applied for admission as a State and was rejected.

3 For the consequent attempt of the House to limit this use of the army see page 171.

ber 9th, a new Governor, Geary of Pennsylvania, arrived and succeeded in keeping the peace to some extent by a mixture of temporizing and decided measures. By the end of the year he even claimed to have established order in the Territory.

13. The heat of the Kansas discussion in Congress was marked by an **Assault upon Charles Sumner,** Senator from Massachusetts. In a speech on the Kansas question he had criticised Senator Butler, of South Carolina. After the Senate's adjournment, May 22d, 1856, Representative Brooks, of South Carolina, a relative of Butler, entered the Senate chamber, struck Sumner senseless to the floor, and then beat him so cruelly that an absence of several years in Europe was necessary for his recovery. The House passed a resolution of censure upon Brooks, who immediately resigned, but was unanimously re-elected by his district. Massachusetts declined to choose another Senator, preferring to leave Sumner's empty chair as her silent protest against unpunished violence.

14. The **Know Nothing National Convention** met at Philadelphia, February 22d, 1856. It adopted a platform which declared that Americans must rule America, and that naturalization should be granted only after 21 years' residence, and condemned the repeal of the Missouri Compromise. The Anti-Slavery delegates (one-fourth of all the Convention) withdrew because of a refusal to endorse the right of Congress to re-establish the

Missouri Compromise Line. The Convention then nominated Millard Fillmore, of New York, and Andrew Jackson Donelson, of Tennessee. These nominations (but not the platform) were accepted by a convention of delegates from the remnants of the great Whig wreck, held at Baltimore, September 17th. The **Democratic National Convention** met at Cincinnati, June 2d, and adopted the strict constructionist platform of former Conventions. It added to it a condemnation of Know Nothingism, and an approval of the Kansas-Nebraska Bill and the substitution of Squatter Sovereignty for the Compromise of 1820.[1] It nominated James Buchanan, of Pennsylvania, and John C. Breckinridge, of Kentucky. The **Republican National Convention** met at Philadelphia, June 17th, and adopted a loose constructionist platform. It declared in favor of Internal Improvements (including a Pacific Railway), and of the right and duty of Congress to prohibit Slavery and Polygamy in the Territories and admit Kansas as a Free State, and against the repeal of the Missouri Compromise, the general policy of the Administration, and the extension of Slavery. Its nominations were John C. Fremont, of California, and William L. Dayton, of New Jersey.

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1 From this time party platforms become so long and ambiguous that only the most succinct abstract can be given. The reader is referred to Greeley's Political Text Book for 1860, and to the *Tribune*, *World*, and *Herald* Almanacs since 1860, for the platforms in full.

15. The Know Nothings and Whigs had denounced both the Democrats and Republicans as sectional, or "geographical" parties. But Fillmore's supporters had no remedy to offer for the troubles caused by Slavery. In the **Presidential Election** in November, therefore, they carried but one State, Maryland. Democratic electors were chosen by the remaining fourteen Slave States, and by New Jersey, Pennsylvania, Indiana, Illinois, and California, giving them a majority of all. The remaining eleven Free States chose Republican electors.[1] No candidate had a majority of the popular vote.

16. Congress met December 1st, 1856.[2] The **XXXIVth Congress, 2d Session.** sudden crystalization of the various Anti-Slavery elements into the Republican party had slightly altered the political proportions of the House. There was no party majority, though the Republicans still had the greatest number of votes. At this Session grants of public lands were made to various Western and Southern States to aid the construction of new railroads. The **Tariff of 1857** was passed by both Houses, and became law. It reduced duties on imports to a rate lower than those of any Tariff since 1816.

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1 If Pennsylvania and Illinois had chosen Republican electors Fremont and Dayton would have been elected.

2 Senate, 40 Dem., 15 Rep., 5 Kn. N. House, 108 Rep., 83 Dem., 43 Kn. N.

17. The **Kansas** troubles took up much of the time of this Session. January 6th, 1857, the Free State Legislature again attempted to meet at Topeka, and was again dispersed by Federal interference. Its presiding officer and many of its members were arrested by a United States deputy marshal. The Territorial, or Pro-Slavery, Legislature quarreled with Gov. Geary, who resigned, and Robert J. Walker, of Mississippi, was appointed in his stead. A resolution was passed by the House declaring the Acts of the Territorial Legislature cruel, oppressive, illegal, and void. It was tabled by the Senate.

18. In February, 1857, the electoral votes were counted. The 5 votes of Wisconsin had not been cast on the 3d of December, as required by law, but on the 4th, and many members were disposed to debate their legality. But the presiding officer declared all debate out of order, and announced the votes, including those of Wisconsin, to be 174 for Buchanan and Breckinridge, 114 for Fremont and Dayton, and 8 for Fillmore and Donelson. **Buchanan** and **Breckinridge** were therefore declared elected. March 3d, 1857, Congress adjourned, and March 4th Buchanan and Breckinridge were sworn into office.

CHAPTER XIX.

EIGHTEENTH ADMINISTRATION, 1857—1861.

James Buchanan, President. John C Breckinridge, Vice-President. XXXVth and XXXVIth Congresses.

Popular vote for President in 1857 : *Dem.* 1,838,169, *Rep.* 1,341,264, *Kn. N.* 874,534.

1. Two days after Buchanan's Inauguration the Supreme Court rendered final judgment in the **Dred Scott Case.** It had been decided in 1856, but it had been thought best to reserve judgment until the excitement of the Presidential election should subside. This, though one of the most important cases ever decided in the United States, was originally a case of simple assault and battery. Dred Scott was a Missouri slave. His owner took him in 1834 to Illinois, a State in which Slavery was prohibited by statute, allowed him to marry and live there until 1838, and then took him to Minnesota, a Territory in which Slavery was prohibited by the Act of Congress of 1820, known as the Missouri Compromise. Thence his owner took him back to Missouri. Here he was whipped for some offense, and brought suit for damages, claim-

ing to have become a free man by his residence in Illinois and Minnesota. The owner's demurrer denied that the plaintiff was a citizen, or could sue, since he was descended from slave ancestors, and never had been set free. This was decided against him by the State Circuit Court of Missouri, and judgment given in favor of Dred Scott. By successive appeals the case finally reached the United States Supreme Court.

2. The **Decision** of the Supreme Court startled the Northern States. It declared, in substance, that the ancestors of negro slaves were not regarded as persons by the founders of the government, but as chattels, as things, "who had no rights or privileges but such as those who held the the power and the government might choose to grant them"; that Dred Scott, the plaintiff in error, was consequently no citizen of Missouri, but *a thing*, without standing in Court, and his case must be dismissed for want of jurisdiction; and that his residence in Minnesota could avail him nothing, because the Act of Congress of 1820, prohibiting Slavery north of the parallel of 36° 30′, was unconstitutional and void, and could not prevent a slave-owner from settling in any Territory with all his property. The Court further took occasion to observe that Congress had no more right to prohibit the carrying of slaves into any State or Territory than it had to prohibit the carrying thither of horses or any other property, for

slaves were property, whose secure possession was guaranteed by the Constitution.[1]

3. The Dred Scott decision marks the last attempt to decide the contest between **Slavery Extension** and **Slavery Restriction** by form of law, and from this time the course of events tends, with increasing rapidity, to a settlement by force. The first Compromise (in 1820) had prohibited Slavery in part of the Territories, leaving the question open as to the remainder. The next Compromise (in 1850–1852) had opened all the Territories to Slavery, if established by Popular Sovereignty. In both of these the whole people had agreed. But the Dred Scott decision, in its logical consequences, opened all the Territories and all the Free States to at least a temporary establishment of Slavery, wherever a slave-owner might see fit to carry his slaves. It was plain that this would never be received as law by the Free States. The only practical results of the Dred Scott decision, therefore, were to show the failure of the Supreme Court as an arbiter, and to call the attention of the North to the impracticable demands of the slave-owners. It will be seen that the Northern (or Douglas) Democrats, who had supported the South heretofore, refused at this point to follow the

1 On the contrary, the dissenting Justices of the Court, and the mass of the Northern people, considered slaves as a kind of property whose secure possession was guaranteed only by the *State* laws which made them property. Leaving the State they lost the guarantee afforded by State laws.

Southern lead further, and chose rather to divide the party.

4. By the representation given by the Constitution to three-fifths of the slave population,[1] the 300,000 slave-owners had grown into a **Slave Power.** In 1857 they controlled the South, the South controlled the Democratic party, and the Democratic party controlled the Union. They were becoming extremely doubtful of success in the Kansas struggle, where they were evidently overmatched by the superior power, resources, and enthusiasm of the Free States. They had not received the expected increase of Slave States and United States Senators from the territories wrested from Mexico.[2] Should they fail in making Kansas a Slave State, they saw but three available courses to pursue—to add Cuba to the Union as material for new Slave States, to acquire new and more populous territory south of Texas for the same purpose, or to re-open the African slave trade. Failing in all these, they desired a secession, or separation from the Free States, and the formation of an independent gov-

1 By which the owner of 100 slaves was equal in political power to 60 free citizens.

2 By forming new Southern States to balance new Northern States, the two sections were carefully kept in equilibrium until 1845, when Texas was admitted, (See Appendices C and F). After that time five new Northern States were admitted, and others were evidently almost ready for application, while no new Southern States could be formed to counterbalance them. The consequent impossibility of maintaining a future equality in the Senate seems to have been the primary cause of alarm in the South. For the present proportion in the Senate see Appendix G.

ernment, in which Slavery would be secured from all attacks or restrictions.

5. The **Purchase of Cuba** had been vainly attempted at various times since the inauguration of President Polk, and a growing disposition was apparent in the South to take it from Spain by force. In 1853, therefore, England and France asked the United States to join in a tripartite agreement to guarantee Cuba to Spain forever. The proposition was rejected. In 1854 the American Ministers to England, France, and Spain, meeting in the Belgian town of Ostend, had published the so-called **Ostend Manifesto**, which declared that there was no hope of safety or repose for the United States without the acquisition of Cuba. But, so long as England, France, and Spain were united in opposing it, there was little hope for the South in the direction of Cuba.

6. In 1851 began the **Era of Filibustering Expeditions** against Cuba and Central America, with the ultimate design of adding slave territory to the United States. Lopez, a Cuban, with 500 men, sailed from New Orleans to conquer Cuba. He was defeated and executed, and his men imprisoned. In 1855 William Walker, of Tennessee, sailed from New Orleans to conquer Central America. He was repeatedly defeated, but repeatedly renewed his expeditions until 1860, when he was captured by the English, tried and shot by the Honduras authorities. This ended filibustering

7. The re-opening of the **African Slave Trade** was already seriously demanded by many slave-owners. They believed that the South had been overpowered in the Kansas struggle because of her inability to pour slaves into the new Territory at once. There seemed a strong probability that Southern leaders would endeavor to obtain from the next Democratic Convention a declaration in favor of renewing the slave trade with Africa.

XXXVth Congress, 1st Session.

8. Congress met December 7th, 1857, with a Democratic majority in both branches.[1] In the House James L. Orr, of South Carolina, a Democrat, was chosen Speaker. The debates of this Session were mainly upon the last scene in the Kansas struggle. Governor Walker had succeeded in persuading the Free State settlers to recognize the Territorial Legislature so far as to take part in the election which it had ordered. The result gave them control of the Legislature. But a previously elected Pro-Slavery Convention, sitting at Lecompton, went on to form a State Constitution. This was to be submitted to the people, but only votes "For the Constitution *with* Slavery," or "For the Constitution *without* Slavery," were to be received. Not being allowed in either event to vote against the Constitution, the Free State settlers refused to vote at all, and the **Lecompton Constitution**

1 Senate, 39 Dem., 20 Rep., 5 Kn. N. House 131 Dem., 92 Rep., 14 Kn. N.

with Slavery received 6000 majority. The new Territorial Legislature, however, ordered an election at which the people could vote for or against the Lecompton Constitution, and a majority of 10,000 was cast against it.[1]

9. On the first day of the Session the Republican Congressmen united in publishing a protest against any effort to make Kansas a Slave State against the wish of her people. The **President's Message** argued in favor of receiving Kansas as a State under the Lecompton Constitution with Slavery, on the ground that the delegates had been chosen to form a State Constitution, and were not obligated to submit it to the people at all. This view was supported by the Southern members of Congress, and opposed by the Republicans and by a part of the Democrats, headed by Senator Douglas, of Illinois.[2] The Senate passed a bill admitting Kansas as a State, under the Lecompton Constitution. The House passed the bill, with the proviso that the Constitution should again be submitted to a popular vote. The Senate rejected the proviso. A conference committee recommended a compromise according to which a substi-

1 But this vote was considered worthless by the advocates of the Lecompton Constitution, on the ground that the Territorial Legislature had no power to order it.

2 "It is not satisfactory to me to have the President say, in his Message, that that Constitution is an admirable one. That is none of my business, and none of yours. You have no right to force an unexceptionable Constitution upon the people."—(*Douglas, Speech in Senate.*)

tute for the land ordinance of the Lecompton Constitution was to be submitted to popular vote. In this form the bill was passed by both Houses, and became law. An attempt was made without success to appropriate public lands to the States for educational purposes. Congress adjourned June 1st, 1858.

10. **Minnesota** had become a State of the Union May 11th, 1858. In the case of **Kansas** the land ordinance proposed by Congress was rejected by 10,000 majority, and a final disposition of the Lecompton Constitution was thus made. Kansas, therefore, still remained a Territory. In 1859, at an election called by the Territorial Legislature, the people decided in favor of another Convention to form a State Constitution. This body met at Wyandot, in July, 1859, and adopted a State Constitution prohibiting Slavery. The **Wyandot Constitution** was submitted to the people and received a majority of 4000 in its favor.

11. Congress met December 6th, 1858.[1] Party contest at this Session centred upon the **Homestead Bill,** which gave heads of families the right to purchase 160 acres of public lands at $1.25 per acre. It was passed by the House, but postponed

XXXVth Congress, 2d Session.

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1 Party strength was unchanged except that 11 members of the House now classed as Anti-Lecompton Democrats, and 116 Democrats supported the Administration.

by the Senate. The bill to appropriate public lands for educational purposes was passed, but vetoed by the President. Congress adjourned March 3rd, 1859. February 14th, 1859, **Oregon** had become a State of the Union.

12. In 1859 some of the extreme Abolitionists determined to try the Southern policy of filibustering. **John Brown,** a native of Connecticut,[1] had gone to Kansas in 1855, and settled in the town of Ossawattomie. Here he became so noted as a leader in carrying the war into the Pro-slavery district that rewards for his arrest were offered by the Governor and the President. He thereupon left Kansas, and in July, 1859, settled at Harper's Ferry, Va., with the desperate intention of beginning a general insurrection of the slave race. His family and some of his Kansas associates were with him. October 17th, having matured their plans and prepared arms, they seized the town of Harper's Ferry, and the United States Arsenal, with all the arms contained in it. The news created a wild alarm in the South. Virginia and Maryland militia were hurried to Harper's Ferry. After a spirited defense, most of Brown's associates were shot, and their wounded leader and a few others were taken prisoners, tried, and hanged by the State of Virginia. John Brown's execution took place December 2d, 1859.

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1 He had for some time lived in "John Brown's Tract" in New York.

13. Congress met December 5th, 1859,[1] with a **XXXVIth Congress, 1st Session.** Democratic majority in the Senate. In the House the Republican vote was the largest, but there was no party majority. **Balloting for a Speaker** was continued for eight weeks, interrupted by angry debates upon a recently published Abolitionist[2] book called "The Impending Crisis in the South," and upon the Harper's Ferry insurrection. February 1st, 1860, William Pennington, of New Jersey, a Republican, was chosen Speaker. In the Senate resolutions were at once introduced affirming, in substance, that Congress and Territorial Legislatures had no power to prohibit Slavery in the Territories. They were debated, at intervals, for nearly four months, and then passed by a party vote.

14. A most unpleasant feature of this Session was the so-called **Covode Investigation** by a committee of the House. Two members of the House[3] had declared in debate that they had been offered inducements by the Administration to vote for the Lecompton Bill, and a committee of five was appointed, on motion of Covode, of Pennsylvania, to investigate the charge. The President protested against the investigation. After a

1 Senate, 38 Dem., 25 Rep., 2 Kn. N. House, 109 Rep., 86 Dem., 13 Anti-Lecompton Dem., 22 Kn. N.

2 The term "Abolitionist" was then one of reproach. It is hardly necessary to say that it is not so used in the text.

3 Hickman and G. B. Adrain.

tedious investigation of three months the Republican majority reported that the Administration had been guilty of bribing members of Congress and editors of newspapers to favor the Lecompton Bill. The Democratic minority defended and exonerated the President. No further action was taken in the matter.

15. The **Homestead Bill,** which was passed at the last Session, was again passed by the House. The Senate passed a substitute, to which the House agreed, giving public lands to actual settlers at 25 cents per acre. It was vetoed by the President on the ground that it was unjust to the older States in really giving away lands to the newer States.[1] The application of Kansas for admission as a State under the Wyandot Constitution[2] was approved by the House, but rejected by the Senate. Consequently Kansas still remained a Territory. Congress adjourned June 18th, 1860.

16. The **Democratic National Convention** met at Charleston, S. C., April 23d, 1860. The proceedings were stormy, and resulted in the splitting of the Convention and the party into two distinct fragments, through the refusal of the Northern (or Douglas) Democrats to agree to the de-

1 The Senate substitute seems to have been purposely drawn so as to provoke a veto, if possible. The Southern opposition to a Homestead Bill seems to have come from the apprehension that it would increase immigration in the North-West, and thus increase the Free State representation in the Senate.

2 See page 186.

mands of the Southern wing. Both factions reaffirmed the strict constructionist platforms of past Conventions, and declared for a Pacific Railway and for the acquisition of Cuba. The Southern delegates offered additional resolutions affirming the doctrine of the Dred Scott decision, that neither Congress nor the Territorial Legislatures had a right to prohibit Slavery in the Territories. The Douglas Democrats, refusing to abandon Popular Sovereignty openly, offered a resolution that the party would abide by the decisions of the Supreme Court. The Convention adopted the Douglas platform, whereupon the delegations from many Southern States successively protested and withdrew. The Convention then proceeded to ballot fifty-seven times for candidates without a choice, and adjourned to meet again at Baltimore, June 18th. When it re-assembled several new Douglas delegations were admitted, whereupon the few remaining Southern delegates also withdrew. The Convention then nominated Stephen A. Douglas, of Illinois, and Herschel V. Johnson, of Georgia.

17. The **Seceding Delegates** had at once organized a new Convention in Charleston, adopted their platform, and adjourned to meet again in Richmond, Va., June 11th. Here they adjourned again, re-assembled at Baltimore, June 28th, and nominated John C. Breckinridge, of Kentucky, and Joseph Lane, of Oregon. The former American (or Know Nothing) party, now calling itself

the **Constitutional Union Party,** held its National Convention at Baltimore, May 19th, and adopted an evasive platform, declaring as its political principles "The Constitution of the country, the Union of the States, and the enforcement of the laws." It nominated John Bell, of Tennessee, and Edward Everett of Massachusetts. The **Republican National Convention** met at Chicago, May 16th, and adopted a loose constructionist platform. This outspoken document quoted the Declaration of Independence as to the freedom and equality of all men; denounced Democratic threats of disunion, and Democratic administration in Kansas and at Washington; declared that freedom was the normal condition of the Territories, which Congress was bound to preserve and defend; and pronounced in favor of Protection, Internal Improvements, the Homestead Bill, and a Pacific Railway. It nominated Abraham Lincoln, of Illinois, and Hannibal Hamlin, of Maine.

18. **Four Parties** were now in the field. The Bell platform meant simply to evade the question of Slavery altogether. The Lincoln platform avowed a purpose to exclude Slavery from the Territories at any cost. The Breckinridge platform avowed a purpose to carry Slavery into the Territories at any cost. The Douglas platform aimed to throw the responsibility of a decision of the Slavery question upon the Supreme Court, or upon the people of the Territories, or anywhere,

in short, except upon the Democratic party. The discordant efforts of the three parties opposed to the Republicans only made Lincoln's election more certain, and at the **Presidential Election** in November Republican electors were chosen by every Free State but one,[1] giving them a majority of all the electoral votes. No candidate had a majority of the popular vote. Breckinridge electors were chosen by most of the Southern States.

19. The South Carolina Legislature, which had met to choose electors,[2] remained in session until Lincoln's election was assured. It then called a State Convention and adjourned. The South Carolina Senators and office-holders in the Federal service at once resigned. December 20th the Convention unanimously passed an **Ordinance of Secession,** entitled "An Ordinance to dissolve the union between the State of South Carolina and other States united with her in the compact entitled the Constitution of the United States of America." Copies of this Ordinance were sent to the other Slave States, and commissioners appointed to treat for the division of national property and of the public debt.

20. This bold step of the little State of South Carolina was relied upon, and with good reason, by the disunionists of the South to "fire the Southern heart," and urge on **Secession by other States.**

1 New Jersey, where four Lincoln and three Douglas electors were chosen.
2 See page 109.

Under the spur of an unwillingness to abandon their smaller sister, other Slave States rapidly came abreast of her. Before the end of January, 1861, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas had passed Ordinances of Secession. Tennessee, North Carolina, Arkansas, and the Border States still refused to join their more Southern neighbors.

21. Congress met December 3d, 1860. The **XXXVIth Congress, 2d Session.** **President's Message** stated his inability to find judges or officers in the South to issue or execute process against offenders, and his own opinion, and that of the Attorney-General, that under such circumstances it was impossible legally to compel a State's obedience. The Message argued against the right of Secession much as did Jackson's Nullification Proclamation in 1832. But the latter closed with a warning, to which the known character of its author added convincing force, that blood would flow if the laws were resisted. President Buchanan's Message, on the contrary, summed up the whole matter by saying, in effect, that he knew not what to do, for he did not believe that Congress could constitutionally make war upon a State.

22. It would be wearisome to detail the long list of propositions for compromise and conciliation with which this Session was chiefly occupied. The one which seemed most likely to succeed was the

Crittenden Compromise.[1] Its main provisions were that Slavery should be prohibited north of the parallel of 36° 30′, and recognized and never interfered with by Congress south of that line, and that the Federal Government should pay for slaves rescued from officers after arrest. These provisions were to be made a part of the Constitution, and were never to be altered or amended while the Union existed. This measure failed to receive the Republican vote, without which the Southern members refused to entertain it.

23. February 4th, 1861, a **Peace Congress,** composed of delegates from 13 Free and 7 Border States, met at Washington at the request of the Virginia Legislature. It adopted and reported to Congress a number of resolutions making various concessions to Southern demands. Congress threw all these aside, and passed, as a substitute, an Amendment to the Constitution proposed by Senator Douglas, which forbade Congress ever to interfere with Slavery in the States.[2]

24. While these measures were being uselessly debated, the work of **Secession** was pressed with energy and ability. Time which should have been spent in making the Federal Government ready to assert its supremacy was wasted in dallying with theoretical cures for incurable evils. Even during the debates the occasional farewells and departures

1 So called from its proposer, John J. Crittenden, of Kentucky.

2 This Amendment was never adopted by the necessary number of States.

of Southern Senators and Representatives would announce that another State had seceded without waiting to be conciliated. In February, 1861, a Convention of delegates from the seceding States met at Montgomery, Ala., and formed a government called the **Confederate States of America.** Its organization was a tribute to the excellence of the Constitution of 1787, for it mainly copied that instrument, except that it recognized Slavery and forbade Protective Tariffs. Jefferson Davis, of Mississippi, and Alexander H. Stephens, of Georgia, were chosen President and Vice-President. A Cabinet was at once appointed, and arrangements were hastily made to organize an army, navy, and treasury. United States forts, arsenals, and arms were seized, and batteries were prepared for the reduction of the forts which resisted, particularly Fort Sumter, in Charleston Harbor.

25. As soon as a sufficient number of Southern members of Congress had withdrawn to give the Republicans a majority in both Houses, **Kansas** was admitted as a State under the Wyandot Free State Constitution, and the **Territories** of **Nevada, Colorado,** and **Dakota** were organized without mention of Slavery, thus giving the South the benefit of the Dred Scott decision therein. The so-called **Morrill Tariff of 1861** was also passed by both Houses and became law. Its great object was the protection of manufactures, revenue being

a secondary consideration.[1] In February, 1861, the electoral votes were counted, and were found to be for Lincoln and Hamlin 180, for Breckinridge and Lane 72, for Bell and Everett 39, and for Douglas and Johnson 12. **Lincoln** and **Hamlin** were therefore declared elected. After authorizing a loan and an issue of Treasury notes, this dismal Session of Congress adjourned March 3d, 1861, and March 4th Lincoln and Hamlin were sworn into office.

1 From this time the subject of Internal Improvements drops out of politics. Both parties appear to recognize the right of Congress to appropriate money for isolated public improvements, and the project of a connected system of canals, etc., has not yet been formally revived.

CHAPTER XX.

NINETEENTH ADMINISTRATION, 1861–1865.

Abraham Lincoln, President. Hannibal Hamlin, Vice-President. XXXVIIth and XXXVIIIth Congresses.

Popular vote for President in 1860 : *Rep.* 1,866,352, *Const. Union* 589,581, *Dem.* 2,220,920 (*Douglas* 1,375,157, *Breckinridge* 845,763).

1. When the **New Administration** entered office affairs seemed almost desperate. Seven States had already revolted, and others were notoriously ready to join them upon the first attempt to exert the National authority. Part of the Federal army had surrendered, and most of the remainder were beleaguered in isolated forts. The Federal ships of war had generally been sent to distant seas. Many of the experienced officers of the army and navy had taken service under the rebellious Confederacy. A large part of the Federal munitions of war, having been previously transferred to Southern arsenals, had fallen into the hands of the insurgents. The Federal Treasury, by defalcation and peculation, was nearly bankrupt. The public servants, like those of a dying king, seemed anxious only to secure as much plunder as possible and decamp. In the South the numbers of those who desired

a permanent Southern Confederacy were being increased daily by accessions from those who had at first intended only to remain out of the Union long enough to secure guarantees for the future safety of Slavery. And yet men of all parties in the North, blind to the certainty of approaching war, were still busied with plans to conciliate the revolted States by any concession except that of nationalizing Slavery.

2. The announced purpose of the President to re-supply **Fort Sumter** precipitated an attack upon it by the rebel forces around it. After a bombardment of thirty hours, the American flag, for the first time in its history, was lowered under the fire of insurgent citizens, and the fort surrendered, April 14th, 1861. The news woke the North as if from a trance. The mass of the Democracy were even more furious than the Republicans. The Southern States were no longer "erring sisters," to be gently conciliated. The whole North clamored for arms, for leaders, for legal authorization to bring the South back to law, order, and obedience, at the point of the bayonet.

3. **Civil War** had fairly begun. For the first time the government, in time of war, was under the control of a loose constructionist party, for the war Democrats soon became absorbed into the Republican organization, and the resulting fusion frequently took the name of the **Union Party.** The experiment was hazardous. In previous wars

the Democratic party, though trammeled by its strict constructionist theories, had been driven to strain the Constitution to conform to the necessities of the hour. But the sobering responsibilities of power, and the active (though often ill-timed) opposition of the Peace Democrats, checked the loose constructionist theories of the dominant party, and brought the Constitution through a dreadful struggle of four years with less change than might have been anticipated.

4. The President at once called for 75,000 volunteers, and summoned an Extra Session of Congress. Through the spring of 1861 the State governments of Virginia, North Carolina, Tennessee, and Arkansas, which had hitherto refused to secede, followed the same general line of action. **Military Leagues** were made with the Confederacy; Confederate troops were then allowed to swarm over their territory; and finally, by their aid and countenance, Ordinances of Secession were passed. Efforts to carry out this plan in Delaware, Maryland, Kentucky, and Missouri, were not successful. By the time set for the meeting of Congress the line had been distinctly drawn, and the rebellion was general in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee.[1]

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1 About 40 Counties of *Western Virginia* refused to be bound by the action of the rest of the State, and formed a Legislature which claimed to

XXXVIIth Congress, Extra Session.

5. Congress met July 4th, 1861, with a Republican majority in both branches.[1] Only the Free States and the Border States were represented. In the House Galusha A. Grow, of Pennsylvania, a Republican, was chosen Speaker. In the Senate three Senators, who had absented themselves to take part in the rebellion, were expelled. The House voted to consider at this Session only bills concerning the military, naval, and financial operations of the Government. The energy of the proceedings was only stimulated by the disastrous battle of Bull Run, July 21st. **Bills** were passed by both Houses to close the Southern ports against commerce, to authorize a loan, to appropriate money for the army and navy, to call out 500,000 volunteers, to define and punish conspiracy against the United States, and to confiscate all private property, including slaves, employed against the United States. The Tariff Act of August 5th, 1861, again increased the duties on imports. The House, by a heavy majority (121–5), pledged itself to vote any amount of money and any number of men necessary to put down the rebellion. Propositions looking to negotiations for peace were constantly offered

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be the real Legislature of Virginia. This body gave the assent required by the Constitution to the formation of a new State, at first called Kanawha, afterwards West Virginia. Congress recognized their right to do so, and admitted the new State in 1862.

1 Senate, Rep. 31, Dem. 11, Union 5. House, Rep. 106, Dem. 42, Union 28.

by extreme Democrats, and as constantly voted down by heavy majorities on the ground that negotiation with armed rebellion was unconstitutional. Congress adjourned August 6th, 1861.

6. From the beginning of the war the Federal Government was embarrassed by the question of **Fugitive Slaves.** August 31st General John C. Fremont had declared the slaves of Missouri rebels free men, but this was overruled and annulled by the President. In Virginia General Benjamin F. Butler had announced that slaves were "contraband of war," and consequently liable to confiscation by military law. Elsewhere in the Federal lines slave-owners, on proving property, were generally given possession of their fugitive slaves. The disposition of the North was to put down the rebellion, without any interference with the Southern "institution" of Slavery. But it was plain that any long continuance of the rebellion would inevitably rouse the temper of the Free States, and provoke hostility to Slavery itself.

7. Congress met December 2d, 1861. **Slavery XXXVIIth Congress, 1st Session.** and **The Prosecution of the War** occupied the Session. Bills were passed by both Houses to punish treason, to free slaves employed against the Government, to provide for the construction of a Pacific Railway and Telegraph, and to donate public lands to the various States for the benefit of Agricultural Colleges. The army was

forbidden to surrender fugitive slaves. The **Homestead Bill**[1] was brought up again and passed. Provision was made for the United States representation by consuls in the negro states of Hayti and Liberia. A stringent form of oath[2] was prescribed, to be taken by United States officials and beneficiaries. The Act of February 25th, 1862, provided for a legal-tender **National Paper Currency** (commonly called "greenbacks"). It more than took the place of the favorite measure of the Federalists and Whigs, a National Bank. Most of these measures were passed by party votes. The Tariff Act of December 24th, 1861, again increased the duties on imports. Congress adjourned July 17th, 1862.

8. During the summer of 1862 the President at last determined to use Slavery itself as a means either of coercion or of punishment. By proclamation, therefore, September 22d, 1862, he warned the revolting States, that unless they should return to their allegiance by January 1st, 1863, he would, as an act of military necessity, declare the slaves in those States to be free men. As this Proclamation had no effect, he issued his **Emancipation Proclamation,** January 1st, 1863, in the terms previously announced.[3] The two years of civil war

1 See page 186.

2 Commonly called the "Iron Clad Oath."

3 It did not apply to the slaves in States not in rebellion, nor to the portions of rebellious States then conquered. For these an Amendment to the Constitution was necessary (see p. 206).

had so developed anti-slavery feeling in the North that the Emancipation Proclamation excited no such opposition as would have met it if proposed in 1861. Nevertheless, it caused a temporary falling off in the Republican vote.

9. Congress met December 1st, 1862. Under the **XXXVIIth Congress, 2d Session.** pressure of **Military Necessity** the Acts of this Session were based upon a looser construction of the Constitution than those of the previous Session. An Act was passed to legitimate the suspension of the writ of **Habeas Corpus.** A Draft or Conscription Act, more sweeping than that proposed in 1814,[1] was adopted. It provided that a part of the able-bodied citizens should be drawn by lot for service in the army. Land grants were made to Kansas, and the Secretary of the Treasury was authorized to obtain further loans. Appropriations for this year amounted to about $972,000,000. Congress adjourned March 3d, 1863. **West Virginia** had become a State of the Union, December 31st, 1862.

10. By the **Writ of Habeas Corpus,** in substance, an imprisoned person obtains an examination before the courts and a release, if his imprisonment is shown to be without warrant of law. Its **Suspension** was considered necessary on account of the number of Northern courts disposed to resist military arrests of suspected persons. It is

1 See p. 83.

certain, however, that the summary arrests and imprisonments in United States forts, the seizures of newspapers, and the dispersions of public meetings, which followed the suspension of the writ of Habeas Corpus, did much to increase the opposition vote for a time. The month of July, 1863, was notable for the sickening scenes of the three days' **Draft Riot** in New York City, originating in resistance to the Conscription Act of the last Session. It was forcibly suppressed, and the draft was carried out.

11. Congress met December 7th, 1863, with a **XXXVIIIth Congress, 1st Session.** Republican majority in both branches. In the House Schuyler Colfax, of Indiana, a Republican, was chosen Speaker. Both Houses passed the **Internal Revenue Law,** for the collection of a revenue from domestic manufactures, etc., the **Income Tax Law,** levying a tax of five per cent. on incomes over $600, and the **National Bank Law,** creating a system of banks to take the place of State banks. The Draft and Homestead Laws were amended and strengthened, and the Fugitive Slave Law of 1850 was abolished. A proposed XIIIth Amendment to the Constitution abolishing Slavery was adopted by the Senate, but did not receive a two-thirds majority in the House. Congress adjourned July 2, 1864.

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1 Senate, 36 Rep., 14 Dem. House, 102 Rep., 75 Dem., 9 "Border States men."

12. A Convention of **Radical Men**, who considered President Lincoln timid and irresolute, and who wished to deal with rebellion and rebels more harshly, met at Cleveland, Ohio, May 31st, 1864, and nominated John C. Fremont, of California, and John C. Cochrane, of New York.[1] The **Republican National Convention** met at Baltimore, June 7th, and adopted a platform declaring war upon Slavery, and demanding that no terms but unconditional surrender should be given to the rebellious States. It nominated Abraham Lincoln, of Illinois, and Andrew Johnson, of Tennessee.[2] The **Democratic National Convention** met at Chicago, August 29th. It came under the control of the Peace Democracy,[3] and declared in its platform that it was the sense of the American people that after four years of failure to restore the Union by war, during which the Constitution had been violated in all its parts under the plea of military necessity, a cessation of hostilities ought to be obtained. It nominated George B. McClellan, of New Jersey, and George H. Pendleton, of Ohio.

13. The Democratic party was thus committed to the declaration that the war was a failure. This drove the doubtful votes into support of the Re-

1 They afterwards withdrew in favor of the Republican candidates.

2 Johnson's nomination was exactly parallel with that of Tyler by the Whigs. Both were Strict Constructionists by nature, temporarily adrift without a party, and offered by the Loose Constructionist party a place rather of honor than importance, to secure Opposition votes.

3 Called by the Union party "Copperheads," from a well-known Northern snake.

publican candidates, and assured their success. In the **Presidential Election** in November Republican electors were chosen by all the States not in rebellion except New Jersey, Delaware, and Kentucky. The membership of the XXXIXth Congress was also overwhelmingly Republican.

XXXVIIIth Congress, 2d Session.

14. Congress met December 6th, 1864. In February, 1865, the House finally passed the **XIIIth Amendment** which had failed at the last Session to receive a two-thirds majority.[1] It was modeled on the language of the Ordinance of 1787,[2] which thus, after a struggle of nearly eighty years became the law of the land. A **Joint Resolution** was passed by both Houses, declaring that the rebellious States were in such condition that no valid election had been held in them for electors, and that no electoral votes from them should be counted. The electoral votes were counted, and were found to be for Lincoln and Johnson 212, and for McClellan and Pendleton 21. **Lincoln** and **Johnson** were therefore declared elected. At this Session the **Freedmen's Bureau Bill** was passed. It organized a bureau for the protection of freedmen and refugees from the South. March 3d, 1865, Congress adjourned, and March 4th Lincoln and Johnson were sworn into office.

1 This was ratified by three-fourths of the States, and was proclaimed to be in force, December 18th, 1865.

2 See page 204. This provision of the ordinance of 1787 had been imitated in 1820 (Missouri) and in 1846 (Wilmot Proviso).

CHAPTER XXI.

TWENTIETH ADMINISTRATION, 1865–1869.

Abraham Lincoln, President. Andrew Johnson, Vice-President. XXXIXth and XLth Congresses.

Popular vote for President in 1864: *Rep.* 2,216,067, *Dem.* 1,808,725.

1. The gentleness, kindliness, and greatness of mind of **President Lincoln** were just beginning to win general appreciation when he fell by assassination, April 14th, 1865. The rebel army of Northern Virginia had previously surrendered, and the other rebel armies rapidly followed its example. On the death of President Lincoln, **Andrew Johnson** succeeded to his office, and to his difficult task, the reconstruction of the rebellious States.

2. **The Constitution** had made no provision for the reception of a State which had formally claimed the right to secede, and renounced its membership in the Union. To admit them at once to their former position would have been to give the negro race to the control of their former masters. The claims of the negroes to security in their lately granted freedom seemed to the mass of Northern people superior to all theoretical argu-

ments on the relations of the States to the Federal Government. They believed that the rebellious States should be kept in a position approaching that of Territories, until Congress should be satisfied of the safety of the negroes and re-admit them to the Union.

3. To President Johnson, a Strict Constructionist by nature, the idea that a State could be punished for treason by a Federal Congress was incomprehensible. **His Policy of Reconstruction** was to punish individuals, if necessary, for treason, but to re-install the States at once in all the powers held by them before rebellion, and this policy he endeavored to carry out by successive Proclamations. He declared all the Southern ports open to commerce, except four in Texas. He proclaimed amnesty and pardon to all persons engaged in the rebellion, except fourteen classes of leaders, who were to make special applications for pardon. He restored the writ of Habeas Corpus in the Northern States, and appointed Provisional Governors for the rebellious States, with the purpose of organizing permanent governments as soon as possible.

4. The **Republican State Conventions** of 1865 generally approved the President's policy, so far as it had been developed, but stipulated that the Southern States should be held under provisional governments until they should recognize and accept the results of the war, including the freedom and protection of the negroes. Unfortunately, the license

of camp life had left many of the Southern whites with but slight disposition to live on terms of political equality with the former slaves. Cases of outrage became common, so that the new Congress, which was overwhelmingly Republican, came together with a fixed determination to protect the negroes at any cost. The party leaders seem to have been suspicious of President Johnson's willingness to disregard "State Rights" in assisting them.

XXXIXth Congress, 1st Session.

5. Congress met December 4th, 1865, with a Republican majority in both branches,[1] sufficient, if necessary, to carry any bill over the President's veto. In the House Speaker Colfax was re-elected. In February, 1866, a supplementary **Freedman's Bureau Bill** was passed by both Houses. It aimed at the further assistance of the freedmen, but was vetoed by the President on the grounds that it provided for unlimited distribution of lands to them, that it tended to keep the minds of the negroes restless and uneasy, and that it had been passed by a Congress which was without representatives from the Southern States. An effort to pass the bill over the veto did not receive the full party vote, and consequently did not obtain a two-thirds majority. It was now evident that there was at least a disagreement between the President and the party which had elected him.

6. An open rupture followed the passage of the

[1] Senate, 40 Rep., 11 Dem. House, 145 Rep., 40 Dem.

Civil Rights Bill in March. It was designed to make freedmen citizens of the United States[1] (with the right to sue and be sued, to make contracts, etc.), and to punish by fine and imprisonment any person interfering with those rights. It gave Federal courts exclusive cognizance of offenses against the Act, and Federal officers the power of arresting and holding offenders to bail. The bill was vetoed. The reasons given were that it gave Federal citizenship to 4,000,000 human beings just released from bondage; that it attempted to give the law where the States had their own rights; that it overrode the State courts, and created a swarm of Federal officials charged with the power of arrest for the discriminating protection of the black race. The bill was passed over the veto and became law.

7. For the purpose of securing the principle aimed at in the Civil Rights Bill by making it a part of the Constitution, both Houses adopted the **XIVth Amendment** in June.[2] The President informed Congress of his disapproval of it. A **Homestead Bill** was passed, applying previous Homestead Bills to public lands in the South. It was agreed by both Houses that no delegation from any of the States lately in rebellion should be received by either House until both Houses should unite in declaring such State again a member of the Union.

1 But this did not carry the right to vote. For that, another Amendment was necessary

2 Ratified by three-fourths of the States and declared in force July 28th, 1868.

8. In July the **Second Freedmen's Bureau Bill** was passed by both Houses. It continued the bureau for two years, provided for selling lands to the freedmen at a low rate, reserved the property of the late Confederate Government for their education, and ordered the President to give military protection to the negroes whenever they were molested. It was vetoed by the President. The reasons given were that it gave the President too much power; that the civil courts were perfectly able to do all that the bureau aimed at in the way of protection; and that the bureau had become a political machine, by which the negroes were used for the personal advantage of its officers. The bill was passed over the veto and became law. After reducing the army and the revenue tax, and reviving the grade of General of the Army, Congress adjourned July 28th, 1866.

9. The **Conflict** between the President and the Republican majority had now become open and angry. The Republican National Committee expelled its chairman and two of its members, who had sided with the President. It also issued an **Address to the Party,** defining the issues between Congress and the President. It called the attention of the people to the fact that the Constitution made no provisions for the treatment of insurgent States forcibly reduced to obedience,[1]

1 But this "break" would have been of little importance, but for the legacy left by Slavery, the freedmen. This was the element of the question which caused the trouble, and not a defect in the Constitution.

and claimed that the Republican plan for tiding over this obstacle was wise and honest, inasmuch as it would "give loyalty a fair start." It is asserted that, under the President's plan, the whites lately in rebellion would seize the reins of power, reduce the blacks to real slavery under some plausible name, and retain representation for them, while denying their political rights.

10. Congress met December 3d, 1866. The con-

XXXIXth Congress, 2d Session.

flict between the Legislative and the Executive was renewed at once. The first bill of the Session, giving negroes the right to vote in the District of Columbia, was vetoed and passed over the veto. Early in the Session a Resolution to impeach President Johnson was adopted by the House, and a committee appointed to take testimony. But upon their report the House decided that the grounds of impeachment were not sufficient, and thus this resolution was finally lost.

11. The main feature of this Session was a persistent effort to **Limit the President's Power,** originating in the fear that he designed some attack upon the privileges, or perhaps the existence, of the Legislative. In January, 1867, a bill was passed which took from the President the power given by the Act of July, 1862, to proclaim general amnesty.[1]

1 The President denied the right of Congress to do so, and proceeded to issue further Proclamations of Amnesty, claiming the right under the Constitution.

Provision was made for the meeting of the XLth and all succeeding Congresses immediately after the adjournment of the preceding Congress.[1] Authority was given to the clerk of the House, before its meeting, to make out a roll of regularly elected members, who alone should take part in the organization of the House.[2] The **Army Appropriation Bill** was passed with a "rider" which took from the President the command of the army by providing that his orders to it should only be given through the General of the Army, who should not be removed without the previous approval of the Senate. It also disbanded all the militia of the States lately in rebellion. The President informed Congress that he signed the bill that the appropriation might not be lost, but that he protested against the "rider," because it deprived him of the command of the army, and eleven States of their militia, both of which were guaranteed by the Constitution.

12. In February a bill for the admission of the State of **Nebraska** was passed over the veto. It provided that the new State should never deny the right of voting to any person because of his race or color. Bills were also passed to give Federal courts the power to issue writs of Habeas Corpus when any person was deprived of liberty.

1 This was done by the XLth Congress, but abandoned after President Johnson's term of office.

2 To prevent the organization of any pseudo-Congress by Northern Democrats and Southern claimants of admission. Fortunately this arrangement has not yet caused any dispute as to the organization of the House.

13. March 2d, 1867, the **Bill to provide Efficient Governments for the Insurrectionary States** was passed over the veto. It embodied all the claims of Congress to control the re-admission of the Southern States. It divided them into military districts, each under the government of a Brigadier-General, who should protect the rights of all persons. Each State was to remain under this military government until a State Convention, chosen without regard to race or color, should form a State government and ratify the XIVth Amendment. When this should be done Congress engaged to re-admit the State to the Union.

14. The same day the so-called **Tenure of Office Bill** was passed over the veto. It reversed all previous legislation upon the doubtful point of the President's power to remove officials without the consent of the Senate. Hitherto, from the time of the Ist Congress, it had been held that the consent of the Senate was necessary in making an appointment, but that the power of removal was wholly in the President. Under this interpretation it was feared that there would be a wholesale removal of public officials after Congress should adjourn. This bill provided that civil officers should hold office until their successors should qualify; that the Cabinet should hold over the President's term of office, and should only be removable with the Senate's approval; that, while Congress was not in session, the President might

suspend (not remove) any official; but that if the Senate at its next session did not concur in the suspension the suspended official should resume his office; and that the President might fill any vacancy by death or resignation while Congress was not in session. Every removal, appointment, or acceptance or exercise of office contrary to the provisions of this Act, was declared to be "a high misdemeanor,"[1] and punishable by fine and imprisonment, or both. Congress adjourned March 3d, 1867. **Nebraska** had become a State of the Union March 1st.

15. Three **Extra Sessions of Congress** were **XLth Congress, Extra Sessions.** held this year. The first met March 4th, and adjourned March 30th, 1867. The second met July 3d, and adjourned July 20th. The third met November 21st, and adjourned at the opening of the first Regular Session. The Republican majority in both branches was continued, and, though slightly reduced, was sufficient to overrule the veto, if necessary.[2] In the House Speaker Colfax was re-elected. These almost continuous Sessions were mainly for the purpose of keeping a check upon the Southern policy of the President. The work of reconstruction by Congress had been fully laid out by the last Session. It was only necessary for this Session to secure its accomplishment.

1 Apparently with a view to future impeachment.

2 Senate, Rep. 40, Dem. 14. House, 138 Rep., 47 Dem.

16. Congress met December 2d, 1867. The prin-
XLth Congress, 1st Session. cipal topic of interest at this Session was the train of events which led to the impeachment of the President. August 5th, 1867, he had notified **Edwin M. Stanton,** Secretary of War, whom he particularly disliked, that "public considerations of a high character" compelled him to ask the Secretary to resign. Stanton ironically replied that "public considerations of high character" forbade him to resign. He was therefore suspended, under the provisions of the Tenure of Office Bill, until Congress should meet, and the General of the Army, U. S. Grant, was appointed Secretary of War *ad interim.* Stanton protested that he denied the President's right to remove him, but would yield to superior force.

17. January 14th, 1868, the Senate refused to agree to Stanton's removal. General Grant at once abandoned the office, and Stanton again took possession. The President now determined to disobey the Tenure of Office Bill, and force an issue with Congress. February 21st he again removed Stanton, and appointed General Lorenzo Thomas in his place. The same day the Senate voted that the removal was illegal. General Thomas, however, accepted the appointment, and gave Stanton notice to quit. Stanton held to his office, and sent the notice to the Speaker of the House. Thereupon the House, February 24th, resolved that the President be **Impeached** before the Senate for high crimes and misdemeanors.

18. March 5th **The Trial of the Impeachment** was begun before the Senate sitting as a Court of Impeachment, with Chief Justice Chase, of the Supreme Court, in the chair. The Articles of Impeachment were mainly for violation of the Tenure of Office Bill. During the early part of the trial the President made a tour of the North and West, and in many passionate speeches to the crowds which met him denounced the XLth Congress as "no Congress," referring to its refusal to admit the delegations from Southern States. The House made these and other imprudent utterances the basis of additional Articles of Impeachment.

19. The trial lasted until May 16th, when three of the main Articles were voted on. The vote stood 35 for conviction and 19 for acquittal, 7 regular and 4 Administration Republicans voting in the minority. It was thus apparent that there was not a two-thirds majority for conviction. The Senate, therefore, not waiting to vote on the remaining Articles, adjourned *sine die*, and the trial was abandoned. Chief Justice Chase directed a verdict of acquittal to be entered, and Stanton resigned his office. Congress adjourned July 27th, 1868.

20. The Presidential contest between the two parties naturally turned upon the right of Congress to fill the gap in the Constitution, and lay down rules for the re-admission of the revolting States. Its right to do so was inferred by the loose constructionist party, and denied by the strict construc-

tionist party. The **Republican National Convention** met at Chicago, May 20th, 1868, and adopted a platform holding that the Southern States had abandoned and lost their positions in the Union by seceding, and could only be re-admitted on terms satisfactory to Congress. It approved the terms offered, and declared that it was the business of Congress to protect equal suffrage in the South. It nominated Ulysses S. Grant, of Illinois, and Schuyler Colfax, of Indiana. The **Democratic National Convention** met at New York City, July 4th, and adopted a platform demanding that the Southern States should immediately and unconditionally be given the representation in Congress and the power of self-government guaranteed by the Constitution, and that the regulation of suffrage should be left to the States. It nominated Horatio Seymour, of New York, and Francis P. Blair, of Missouri.

21. At the **Presidential Election** in November[1] Democratic electors were chosen by New York, New Jersey, Oregon, and by five Southern States. All the other States which were allowed to vote[2] chose Republican electors. As the issue between the parties was distinctly made, the result of the election would seem to settle the rule that any State which formally casts off allegiance to the Federal

1 Alleged to have been carried by frauds in New York City.

2 Virginia, Georgia, Mississippi, and Texas had not yet complied with the conditions of Congress for re-admission.

Government, and is compelled to submit, must be re-admitted by Congress in much the same manner as a Territory applying for admission as a State.

22. Congress met December 7th, 1868. There was little party contest at this Session. In February, 1869, the electoral votes were counted, and were found to be, for Grant and Colfax 214, and for Seymour and Blair 80, if the vote of Georgia were allowed, and 71 without it. As the vote of Georgia did not affect the result the question was left undecided. **Grant** and **Colfax** were therefore declared elected. February 26th the **XVth Amendment**[1] to the Constitution, guaranteeing the right of suffrage, without regard to race, color, or previous condition of servitude, was adopted by Congress. March 3d, 1869, Congress adjourned, and March 4th Grant and Colfax were sworn into office.

XLth Congress, 2d Session.

1 Ratified by three-fourths of the States, and declared in force March 30th, 1870.

CHAPTER XXII.

TWENTY-FIRST ADMINISTRATION, 1869–1873.

Ulysses S. Grant, President. **Schuyler Colfax, Vice-President.**
XLIst and XLIId Congresses.

Popular vote for President in 1868 : *Rep.* 3,015,071, *Dem.* 2,709,613.

XLIst Congress, Extra Session.

1. CONGRESS met March 4th, 1869, with a Republican majority in both branches.[1] James G. Blaine, of Maine, a Republican, was chosen Speaker in the House. The principal business of the Session was the confirmation by the Senate of the new President's nominations to positions in the Cabinet,[2] and debate as to Mississippi, Texas, and Virginia, which had not yet ratified the XIVth Amendment or been reconstructed. April 10th a bill was passed authorizing the people of these States to vote upon the constitutions already prepared for them by State conventions, and to elect State officers and members of Congress. A new condition, however, was imposed upon their ultimate re-admission; their

1 Senate, 58 Rep., 10 Dem., 8 vacancies; House, 149 Rep., 64 Dem., 25 vacancies. Mississippi, Texas, Virginia, and Georgia were not represented.

2 Except that of A. T. Stewart, of New York, as Secretary of the Treasury. He was ineligible by statute, being engaged in commerce, and his name was withdrawn.

Legislatures were required to ratify the XVth as well as the XIVth Amendment. Congress adjourned April 10th. During the year the Supreme Court, in the important case of **Texas vs. White,**[1] rendered a decision sustaining Reconstruction by Congress. The Court held that the ordinances of secession had been absolutely null; that the seceding States had never been "out of the Union"; that they had, however, during and after their rebellion, no State governments "competent to represent the State in its relations with the National Government"; and that Congress had the power to re-establish the broken relations of a rebellious State to the Union.

XLIst Congress, 1st Session.

2. Congress met December 6th, 1869. The President's Message announced that Virginia had fulfilled the conditions precedent to recognition. Before the close of the Session, Mississippi, Texas, and Georgia had also fulfilled the conditions, and the formal work of Reconstruction was completed by the re-admission of the last-named State in July, 1870.[2] The ratifications of the XVth Amendment

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1 7 Wall., 700.

2 Tennessee was re-admitted July 24th, 1866, and Arkansas June 22d, 1868. The act of June 25th, 1868, provided for the admission of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, as soon as they should have fulfilled the conditions imposed by the Acts of March, 1867 (see p. 214); and these States (except Georgia) were successively admitted without further legislation. Virginia, as above stated, was re-admitted January 25th, 1870. Mississippi February 23d, 1870, and Texas March 30th, 1870. Georgia, after a partial re-admission, had declared

by these States made it a part of the Constitution,[1] and a bill was passed to enforce it by making penal any interference, by force or by fraud, with the exercise of the right of suffrage as extended by the Amendment, and by authorizing the President to use the army to prevent violations of the Act. An Act was also passed to amend the naturalization laws; it made it penal to obtain, use, dispose of, or register or vote upon a false or fraudulent certificate of naturalization, authorized the appointment of Federal supervisors of elections, in cities of over 20,000 inhabitants, with the power of summary arrest for any offence committed in their view, and extended the privilege of naturalization to alien Africans. Congress adjourned July 15th, 1870. At the December Term of 1869 the Supreme Court had decided that the action of Congress in 1862, in giving a **legal-tender** character to the paper currency,[2] was unconstitutional. In March, 1870, after the complexion of the Court had been changed by the appointment of two new Justices,[3] the legal-tender question was again introduced in another case, and the previous decision was reversed by the votes of the two new Justices.

negroes incapable of holding office; the State was therefore admitted by special Act, July 15th, 1870, after revoking her objectionable action and also ratifying the XVth Amendment.

1 See p. 219.

2 See p. 202. Chief Justice S. P. Chase, who delivered the opinion, had been Secretary of the Treasury in 1862, but had not originated the legal-tender feature of the currency.

3 One was a new appointment under a law creating an additional Justiceship; the other was appointed in place of a Justice who had resigned,

3. The Reconstruction Acts of March, 1867, had prohibited persons disabled from holding office by the XIVth Amendment, as it was then proposed, from taking part in the State conventions held under the Act; and this disability had been extended and perpetuated in the new constitutions of some of the Southern States, particularly South Carolina, Louisiana, and Arkansas, by prohibiting the exercise of the suffrage by any person still under disability to hold office by the XIVth Amendment. Shortly before the Presidential election of 1868 it appears that a secret, oath-bound organization was formed in Tennessee under the name of the **Ku Klux Klan**,[1] mainly composed of persons under disabilities, and having for its object the terrorizing of white and colored Republican voters by murder, maiming, or whipping. The organization spread rapidly into other Southern States, but naturally found its most congenial location in the three States above named. Throughout the summer of 1870 a Senate committee took evidence on the subject, which convinced the Republican majority that "the issue between government and anarchy" in the South was fairly presented. The Democratic minority, while it deplored the "detestable and wicked outrages" which it had found, believed that their number had been grossly exaggerated for political purposes.

1 Known by various other names. See Century Mag., xxviii, 398.

4. Congress met December 5th, 1870, and in January, 1871, by the admission of the Georgia members, all the States were represented in Congress for the first time since December, 1860.[1] The President's message dealt largely with a project for annexing to the United States the West Indian Republic of **San Domingo,** or Dominica. A treaty for that purpose had been negotiated between the Presidents of the two Republics, September 4th, 1869, but had been rejected by the Senate at its last Session; and President Grant now suggested an annexation by joint resolution, as in the case of Texas,[2] which would require only a majority vote in the Senate. A joint resolution was passed authorizing the President to appoint three commissioners to examine the condition of San Domingo and the feeling of its people for or against annexation. An Act was passed to enforce the XVth Amendment; it extended the powers of Federal supervisors, marshals, and deputy-marshals over elections and registrations, gave Federal Circuit Courts exclusive jurisdiction over all cases arising under the Act, and empowered them to punish any State officer who should proceed in such cases in contempt of their jurisdiction. A

XLIst Congress, 2d Session.

1 Congress was now divided politically as follows: Senate, 61 Rep., 13 Dem.; House, 172 Rep., 71 Dem.

2 To this it was objected that only a *State* could be annexed by joint resolution, and that a *Territory*, as San Domingo was intended to be, could be acquired only by treaty, if at all.

Senate committee was appointed to investigate the condition of the Southern States, and Congress adjourned, March 4th, 1871. During this year the long-standing **Alabama Claims** of the United States upon Great Britain, arising from the depredations of Anglo-rebel privateers, were referred to arbitration by the Treaty of Washington of May 8th, 1871.[1]

XLIId Congress, Extra Session.

5. Congress met March 4th, 1871,[2] with a Republican majority in both branches.[3] In the House, James G. Blaine, of Maine, a Republican, was chosen Speaker. The main business of the Session was the appointment of a committee of seven Senators and fourteen Representatives to inquire into the condition of the late insurrectionary States,[4] and the passage of a very sweeping Act to enforce the XIVth Amendment.[5] This Act allowed suit in Federal courts by the party injured against any person who should in any way deprive another of the rights of a citizen; it made it a penal offence

1 Ratified by the Senate, May 24th, 1871. The arbitrators, appointed by Brazil, Italy, Switzerland, Great Britain, and the United States, awarded the United States $15,500,000, in gross, as damages, September 14th, 1872.

2 This was the last Congress which met by law immediately after the expiration of the preceding Congress (see p. 213).

3 Senate, 57 Rep., 17 Dem.; House, 138 Rep., 103 Dem.

4 Often called the "Ku Klux Committee."

5 Often called the "Force Bill." There is a striking similarity between the second section of the Act and the first section of the Sedition Law of 1798. Both were passed on the same ground, the actual existence of war—foreign in 1798 (see p. 47), and domestic in 1871.

to conspire to take away from any person the rights of a citizen; it provided that inability, neglect, or refusal of any State to suppress such conspiracy, to protect the rights of its citizens, or to call upon the President for aid, should be "deemed a denial by such State of the equal protection of the laws" under the XIVth Amendment; it declared such conspiracies, if not suppressed by the authorities, "a rebellion against the Government of the United States"; it authorized the President, "when in his judgment the public safety shall require it," to suspend the privilege of the writ of *habeas corpus* in any district, and suppress the insurrection by means of the army and navy;[1] and it excluded from the jury-box any person "who shall, in the judgment of the court, be in complicity with any such combination or conspiracy." The authority to suspend the privilege of the writ of *habeas corpus* was to cease after the end of the next regular Session of Congress. Congress adjourned April 20th, 1871.

6. The system of "rotation in office"[2] had, since 1829, taken from the people at large the ownership of the offices filled by appointment of the President, and vested it practically in the politicians, in and out of Congress, who controlled the President's party. An Act of March 3d, 1871, authorized the

1 In October and November, 1871, a number of counties in South Carolina were brought under the provisions of this section by the President's proclamation.

2 See page 113.

President to begin a reform in the **Civil Service,** for which thinking men of all parties had long been unanimously anxious. Under its provisions the President appointed a board of Civil Service Commissioners to provide for the examination of applicants for minor offices, and to relieve him and his Cabinet from the necessity of deciding upon such applications. The system was begun January 1st, 1872, and, though under many limitations and discouragements, continued in operation for nearly three years with the emphatic commendation of the Cabinet and the President; but in December, 1874, despite two direct appeals from President Grant, Congress refused to make any further appropriation for the system, and it was abandoned. Although since revived, it has not been carried to the full extent of its original design.

7. Congress met December 4th, 1871. Much of **XLIId Congress, 1st Session.** the time of the Session was consumed in efforts to pass a bill to remove the political disabilities imposed by the XIVth Amendment. It was introduced by the Democrats in various forms, but was regularly amended by the Republicans by the addition to it of Senator Sumner's Supplementary Civil Rights Bill, intended to prevent discrimination against negroes by common carriers and other licensed or chartered public servants. The combined bills (now requiring a two thirds vote were then as regularly voted down by the Democrats. It was

not until May 22d, 1872, that a separate **Amnesty Bill** became law.[1] A general **Election Law** for the whole country, after being lost in the House, was placed by the Senate as a "rider"[2] upon the Civil Appropriation Bill, and so passed, but with a proviso that the Federal supervisors of elections appointed under it should have no power of arrest. A bill to extend the *habeas corpus* section of the Force Bill of the last Session until the end of the next Session was passed by the Senate, but lost in the House. Congress adjourned June 10th, 1872.

8. In 1870 the Republican party in Missouri had split into two parts. The "Radical" wing wished to maintain for the present the disqualifications imposed on the late rebels by the State Constitution during the war; the "liberal" wing, headed by B. Gratz Brown and Carl Schurz, wished to abolish these disqualifications and substitute "universal amnesty and universal enfranchisement." Supported by the Democrats, the **Liberal Republicans** carried the State, though opposed by the Federal office-holders and the influence of the Administration. This success stimulated a reaction in the National Republican party, many of whose members believed that the powers of the Federal Government over the local concerns of the States had already been enforced up to or beyond constitutional limits, that the various enforcement

1 About 750 persons, who had held the highest positions under the U. S. Government were excepted from its provisions. 2 See p. 158.

Acts were designed rather for the political advancement of President Grant's personal adherents than for the benefit of the country, the freedmen, or even of the Republican party; and that the efforts to police the Southern States by the force of the Federal Government ought to cease. In the spring of 1871 the Liberal Republicans and Democrats of Ohio began to show symptoms of common feeling on these subjects, and during the summer the "Liberal" movement continued to develop within the Republican party. January 24th, 1872, the Missouri Liberals issued a call for a National Convention at Cincinnati in the following May.

9. The **Liberal Republican National Convention** met at Cincinnati May 1st, 1872, and adopted a platform pledging the party to maintain the Union of the States, emancipation, enfranchisement, the last three Amendments, universal amnesty, the writ of *habeas corpus*, and the duty of a thorough civil service reform. In respect to the relative merits of protection and free trade, the Convention confessed itself irreconcilably divided, and remitted the decision of the question to the people in their Congressional elections. So far, although the Convention was itself a revolt from the ordinary party methods, and although many of its members were inexperienced, unmanageable, and not representative of any important body of voters, its action had been very skilfully suited to its acceptance by the subsequent Democratic Con-

vention. After six ballots, however, in most of which C. F. Adams, of Massachusetts, led, the friends of other candidates threw their votes for Horace Greeley,[1] of New York, and he was nominated by 482 votes to 187 for Adams. B. Gratz Brown, of Missouri, was nominated for Vice-President. Some of the "Liberal" leaders endeavored afterward, without success, to substitute other candidates for those nominated. The **Republican National Convention** met at Philadelphia, June 5th, renominated President Grant unanimously, and nominated Henry Wilson, of Massachusetts, for the Vice-Presidency by 364½ votes to 321½ for Schuyler Colfax. The platform detailed the party's past achievements, approved civil service reform and the suppression of disorders in the South, and demanded complete equality for all men throughout the country. The **Democratic National Convention** met at Baltimore, June 9th, and by a nearly unanimous vote adopted the Cincinnati platform and candidates. A few recalcitrant Democrats[2] met at Louisville, Ky., September 3d, and nominated Charles O'Conor, of New York, and John Quincy Adams, of Massachusetts.[3] The result of the election was the success of the Repub-

1 He had been, during his whole political life, an ardent protectionist and an unsparing critic of his Democratic opponents, through the columns of the newspaper of which he was editor.

2 Usually called "straight-outs."

3 The candidates declined the nomination, but about 30,000 scattering votes were cast for them.

lican candidates by an increased popular and electoral majority, due mainly to the refusal of very many Democrats to vote for Greeley.

10. Congress met December 2d, 1872.[1] In the **XLIId Congress, 2d Session.** House, on the first day of the Session, the Speaker called attention to the charges made by the Democrats, during the campaign, that the Vice-President, the Vice-President elect, the Secretary of the Treasury, several Senators, the Speaker of the House, and a large number of Representatives had been bribed, during the years 1867 and 1868, by presents of stock in a corporation known as the **Credit Mobilier,**[2] to vote and act for the benefit of the Union Pacific Railroad Company. On his motion, an investigating committee was appointed, L. P. Poland, of Vermont, being chairman. The **Poland Committee** reported February 18th, 1873, recommending the expulsion of Oakes Ames, of Massachusetts, for "selling to members of Congress shares of the stock of the Credit Mobilier below their real value, with intent thereby to influence the votes of such members," and of James Brooks, of New York, for receiving such stock. The House modified the proposed expulsion into an "absolute condemnation" of the conduct of both members.[3] An Act was passed to abolish the franking privi-

1 Senate, 51 Rep., 23 Dem. and Lib.; House, 133 Rep., 110 Dem. and Lib.

2 Organized to contract for building the Union Pacific Railroad.

3 Both members died within three months afterward.

lege, and another to increase the salaries of officers of the Government. The President's salary was increased from $25,000 to $50,000, and that of Senators and Representatives from $5000 to $7500 per annum. This last feature of the Act proved very unpopular, as it was made to apply to the salaries of the Congressmen who passed the bill,[1] and it was commonly known as the **Salary Grab.** In February, 1873, the Electoral votes were counted and were found to be, for President, Grant, 286, T. A. Hendricks, of Indiana, 42, and 21 scattering,[2] and for Vice-President, Wilson 286, Brown 47, and 19 scattering. The votes of Louisiana and Arkansas were rejected by concurrence of both Houses.[3]

11. At this session appeared the first case of conflict of State governments in the South. The reconstructed State constitutions, in order to guard against intimidation by disfranchised citizens, had generally provided for **Returning Boards,** usually composed of three State officers and two citizens specified by name in the constitution. The Returning Board was empowered to canvass the votes, to reject the votes of all counties (or parishes) where they should judge force or fraud had

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1 In so doing, however, it followed precedent.

2 Greeley died November 29th, 1872, and the Democratic and Liberal electors were compelled, on their day of voting, December 4th, to vote for other persons. Three electors in Georgia voted for Horace Greeley, but their votes were not counted, the Houses non-concurring.

3 See p. 238.

been used, and to declare the results of all elections. In Louisiana successive removals and appointments of State officers by the Governor, for the purpose of controlling the Returning Board, had resulted in the formation of two bodies, each claiming to be the legitimate Returning Board. Two State Legislatures and governments, one (Democratic) headed by Governor John McEnery, the other (Republican) headed by Governor W. P. Kellogg, were thus declared elected. Kellogg, who apparently controlled the Federal District Judge, Durell, brought suit before him against his political opponents, and obtained an order, illegitimately given, that the Federal marshal should seize the building used as a State House and prevent the meeting of the McEnery Legislature. Both governments, however, were inaugurated, and each claimed recognition by Congress. The Senate committee reported that Durell's conduct was most reprehensible, that Louisiana had no real government, that the McEnery government was most nearly a government of right, and that the Kellogg government was most nearly a government in fact. A bill declaring the election of November 4th, 1872, null and void, and providing for a new election under the direction of Judge Woods, the Federal Circuit Judge, was introduced in the Senate, but was lost by a close vote. Congress adjourned March 3d, 1873, and March 4th Grant and Wilson were sworn into office.

CHAPTER XXIII.

TWENTY-SECOND ADMINISTRATION, 1873–1877.

Ulysses S. Grant, President. Henry Wilson, Vice-President.
XLIIId and XLIVth Congresses.

Popular vote for President in 1872 : *Rep.* 3,597,070, *Dem.* 2,834,079.

1. PRESIDENT GRANT'S Inaugural stated that, while still believing in the advisability of the annexation of **San Domingo,** he had dropped the project since its rejection by the Senate. During this year the proposition was renewed in the form of an application by San Domingo for the establishment of a protectorate over it by the United States; but shortly afterward President Baez, who had been the chief Dominican advocate of annexation, was driven from San Domingo by a revolution, and this unpopular scheme came to an end. In April 1873, the Supreme Court, in the **Slaughter-House Cases,**[1] began the authoritative construction of the XIVth and XVth Amendments. The opinion of the court held that these Amendments only placed the special privileges of citizens of the United States under the protection

1 16 Wall., 36. They were so called because they arose from the incorporation by Louisiana of a Slaughter-House Company, with an entire monopoly of the business in New Orleans and its vicinity.

of the Federal Constitution and Government; that the powers of the States over the privileges of their own citizens had not been changed; and that the great objects of the Amendments were the freedom and protection of the former *slave* race.

XLIIId Congress, 1st Session.

2. Congress met December 1st, 1873, the Republican majority being continued in both branches.[1] In the House, Speaker Blaine was re-elected. The increase of pay to members of Congress at the preceding Congress was repealed. A bill which purported to "fix the amount of United States notes," but which increased their total amount, was passed by both Houses, but was vetoed by the President and failed to become law. The bill for the establishment of a republican form of government in Louisiana[2] was again introduced in the Senate, but came to no final action. Congress adjourned June 23d, 1874. In 1867 a secret order, known as **Patrons of Husbandry,** had been formed in Washington, and its subordinate lodges, or Granges,[3] had since spread all over the country. Its object was co-operation among farmers in purchasing and in other business interests. In its nature it was not political, but the high freight rates of Western railroads brought them into conflicts with its members, which colored the politics of Western States during the years 1873 and 1874,

1 Senate, 50 Rep., 24 Dem. and Lib.; House, 198 Rep., 93 Dem and Lib.
2 See p. 233, 3 Hence, its members were often called **Grangers.**

and led to several unsuccessful attempts to induce Congress to pass transportation laws for the regulation of inter-State commerce and freight rates.

3. During this and the subsequent four years, perjury became so fundamental a feature in the politics of **Louisiana** that it is extremely difficult to give any exact account of the continuing difficulties in that State.[1] It seems certain, on the one hand, that the Democrats, or McEnery party, had resolved themselves into a "white man's party," and that outrages and massacres of negroes, such as those at Colfax and Coushatta, had become a recognized factor in politics; and, on the other hand, that the Kellogg, or Republican, government was sustained only by the decisions of a Federal judge of very doubtful character, by the consequent support of Federal troops, by the scandalous execution of the registration laws, and by the reckless counting of a partisan Returning Board. In brief, the contest lay between force and fraud for the control of the State. September 14th, 1874, the McEnery party suddenly rose in arms, seized the State offices, and forced the Kellogg government to take refuge in the Custom House. On the same day Kellogg called upon the President for Federal troops, which were furnished to him.[2] The

1 The fairest account available has been followed, the report of the subcommittee of the House of Representatives, consisting of two Republicans and one Democrat, January 14th, 1875.

2 This was justified by the President and his supporters under Art. IV., § 4, of the Constitution (see p. 313); his opponents generally admitted the

McEnery government refused to resist Federal authority, and the Kellogg government was reinstalled at once. In January, 1875, the Legislature was organized. The McEnery party, in a hasty and disorderly fashion, seated their Representatives from contested districts, gained control of the House, and elected the Speaker, whereupon Kellogg sent United States soldiers, under General de Trobriand, who turned out the members just seated. The Kellogg party, then having a majority, elected their Speaker, the McEnery party withdrew, and again two Legislatures were organized.[1]

XLIIId Congress, 2d Session.

4. Congress met December 7th, 1874. The President's Message dealt largely with the case of Louisiana, and his Special Message of January 13th, 1875, went still more fully into the case, defending his action in it, and appealed to Congress to take some action which would relieve him from the "exceedingly unpalatable" duty of supporting Southern State governments by the use of Federal troops. At the close of the Session, therefore, by resolution, the House endorsed the Kellogg government, and the Senate approved the President's course in Louisiana. An Act for the **Resumption of Specie Payments** was passed

justification so far, but denied that a political struggle in the Legislature was a case of "domestic violence" to be settled by Federal troops.

1 The difficulty was left, as far as regarded the Legislature, to W. A. Wheeler (afterward Vice-President), and, after his "adjustment" of it, the party conflict smouldered until the summer of 1876, when it was renewed.

which provided that on and after January 1st, 1879, the Secretary of the Treasury should redeem United States legal-tender notes in coin; but it left open the question whether these legal-tender notes, up to $300,000,000, should be reissued after redemption. Senator Sumner's Supplementary **Civil Rights Bill** became law.[1] A large part of the Session was taken up in considering the mode of election of the President and Vice-President. A great many of the possible dangers and difficulties, as they occurred in 1876–77, were already plainly foreseen and discussed in the debates, but Congress did nothing to avoid them. Senator Morton, of Indiana,[2] introduced an Amendment to the Constitution, providing for the general choice of electors by districts, and a resolution to abolish the **Twenty-Second Joint Rule,**[3] under which the counting of electoral votes had been conducted since 1865, but neither was adopted. Congress adjourned March 4th, 1875. During the year an extensive **Whiskey Ring** was unearthed in the West; it was an association, or series of associations, of distillers and Federal officials for the purpose of defrauding the Government of a large

1 See p. 227. Senator Sumner, the original framer of the bill, had died, March 11th, 1874.

2 His speeches in these debates are almost a history of the workings of the electoral system up to date.

3 This, a rule adopted by both Houses, February 6th, 1865, provided in effect that any electoral vote, to which objection should be made by any member, should only be counted if both Houses agreed to count it: a non-concurrence, therefore, operated as a rejection of the vote (see p. 241).

amount of the tax imposed on distilled spirits, and, further, of employing a part of the proceeds in political corruption. On the trial of the indictments a number of Federal officers were convicted, and O. E. Babcock, the President's private secretary, was acquitted.

5. In the South the Democrats, generally taking the name of Conservatives, had by this time gained control of all the State governments except those of South Carolina, Florida, and Louisiana. In some of the States the Republican government had, as in Louisiana, called upon the President for help before surrendering their positions. From Arkansas **calls for troops** had been made by Elisha Baxter, April 19th, 1874, and by Joseph Brooks, April 20th, each claiming to be the legitimate Governor. On the supersedure of both of them by the adoption of a new State Constitution, October 13th, 1874, V. V. Smith, Baxter's Lieutenant-Governor, claiming to be Governor by Baxter's abdication, called upon the President for troops; but, as he fled the State immediately afterward, no answer was given. In Mississippi the Legislature called upon the President for troops, December 18th, 1874, to suppress rioting in Warren County, and the President answered by a proclamation warning rioters to disperse. The call for troops was repeated, September 8th, 1875, by Governor A. Ames, but was refused. The Governor was advised to assemble the Legislature and make some

effort to preserve the peace of his own State, the President's language seeming to show that his patience had been exhausted.[1]

6. The State elections of 1874–75 and the elections for members of the XLIVth Congress, to meet in December, 1875, showed a sudden and remarkable change of political sentiment.[2] They resulted in the almost universal defeat of Republican candidates for State officers, even Massachusetts electing a Democratic Governor, and the election of a great majority of Democrats to the House of Representatives. The Republicans considered the result due largely to the violent suppression of the colored Republican vote in the South; the Democrats attributed it entirely to the popular disgust in the North at the continuance of enforcement Acts and efforts to "dragoon" the South. Both causes seem to have been operative, assisted by the financial distress which began to be felt in 1873, and which is always apt to react upon the popular vote, to the prejudice of the party in power.

XLIVth Congress, 1st Session.

7. Congress met December 6th, 1875, with a Republican majority in the Senate and a Democratic

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1 "The whole public are tired out with these annual autumnal outbreaks in the South, and the great majority are ready now to condemn any interference on the part of the Government. I heartily wish that peace and good order may be restored without issuing the proclamation. But if it is issued, I shall instruct the commander of the forces to have no child's play."

2 The elections were popularly called the "tidal wave."

majority in the House,[1] where M. C. Kerr, of Indiana, was chosen Speaker. The President's Message was devoted mainly to foreign affairs and to a natural recognition of the great material progress made by the nation during its first century of existence. The Session was marked by an evident increase of anxiety as to the possible occurrence of some occasion for dispute between the Democratic House and the Republican Senate about the result of the impending Presidential election ; but party jealousy, and fear of losing any party advantage from the Southern situation, prevented any remedial action. **Morton's Amendment** to the Constitution,[2] and several other Amendments, with the same general object, were introduced, but not passed. Morton's bill to provide for the counting of the electoral votes met with the same fate. The Senate abolished the Twenty-Second Joint Rule, so that the electoral count was now left without any provisions whatever for its government. The so-called **Blaine Amendment,** prohibiting the appropriation of public school money by any State to sectarian schools, passed the House but did not secure a two-thirds vote in the Senate.[3] An unlimited **Amnesty Bill** failed to secure a two-thirds vote in the House. A bill to reduce the President's salary to $25,000 yearly after March 4th, 1877, passed both Houses, but was vetoed and failed to

1 Senate, 42 Rep., 29 Dem., 2 Ind. ; House, 182 Dem., 110 Rep.
2 See p. 238.
3 The vote stood 28 to 16 in favor.

become law. An appropriation of $1,500,000 was made to the Centennial Exhibition at Philadelphia. The Secretary of War, W. W. Belknap, was impeached by the House on a charge of having received bribes for the appointment of a post-trader at Fort Sill. The general vote in the Senate was 36 to 25 for conviction,[1] and as this was not two-thirds he was acquitted. Congress adjourned August 15th, 1876. The end of the first, and the beginning of the second, century of the separate national existence of the United States was marked by the opening of the **Centennial Exhibition** at Philadelphia,[2] and by an unusually general celebration, July 4th. **Colorado** became a State of the Union August 1st, 1876.

8. The **Independent National Convention** met at Indianapolis, May 17th, 1876. Its platform demanded the repeal of the Act for resumption of specie payments, and the issue of United States notes ("greenbacks"[3]), convertible into bonds on demand, as the currency of the country. It nominated Peter Cooper, of New York, for President, and Samuel F. Cary, of Ohio, for Vice-President.[4] The **Republican National Convention** met at Cincinnati, June 14th, and adopted a platform which

1 He had anticipated impeachment by resigning in the forenoon of the day on which he was impeached, and most of the Senators who voted Not Guilty stated that they did so on the ground that he was then a private citizen and not subject to impeachment. 2 May 10th, 1876.

3 Hence this was usually called the **Greenback Party.**

4 Newton Booth, of California, was first nominated for Vice-President but declined.

reviewed the party's past achievements, charged the Democratic party with treason, imbecility, falsehood, and subservience to former rebels, commended the resumption of specie payments, and demanded the immediate and vigorous exercise of Federal powers to secure the rights of American citizens everywhere throughout the country. Much excitement had been caused by the alleged design of President Grant to secure for himself a **Third Term,** but his name was not presented to the Convention for the Presidential nomination. On the first six ballots James G. Blaine, of Maine, led all the other candidates; on the seventh ballot Rutherford B. Hayes, of Ohio, was nominated by 384 votes, to 351 for Blaine and 21 for B. H. Bristow of Kentucky. William A. Wheeler, of New York, was nominated for Vice-President. The **Democratic National Convention** met at St. Louis, June 28th, and adopted a platform entirely filled with denunciation of the Republican party for corruption, mismanagement, personal government and sectional hatred, and by demands for reform; included in these was a demand for the repeal of the specie resumption Act until proper preparation should be made for its successful enforcement. On the second Presidential ballot, Samuel J. Tilden had 535 votes to 203 for all others, and was nominated. His leading competitor, Thomas A. Hendricks, of Indiana, was nominated for Vice-President.

9. The nomination of Hayes sensibly strengthened the Republican party. A strong section of its members had held a preliminary meeting, May 15th,[1] and resolved to support no candidate not pledged to Civil Service Reform. Their warm support was at once gained by the unexpected emphasis with which the nominee advocated the cessation of the sale of appointments to office for party services. The Democratic chances were increased by the evident certainty of the choice of Democratic electors in all of the Southern States excepting three. In one of these, South Carolina, the Legislature had long been extravagant and corrupt, and the Presidential campaign was complicated with a final and desperate effort by the whites to secure control of the State government. In the course of it a massacre of a negro militia force at Hamburgh,[2] and another at Ellenton, induced a call for Federal troops by the Governor, and these were placed at his disposal by the President. The **Presidential election** took place November 7th, 1876. Democratic electors were chosen by Connecticut, New York, New Jersey, and Indiana in the North, and by all the Southern States except South Carolina, Florida, and Louisiana; Republican electors were chosen by South Carolina[3] in the South, and by all the

1 The so-called Fifth Avenue Hotel Conference.

2 July 9th.

3 This State was also claimed at first by the Democrats, but their members of the Congressional investigating committee agreed that the State had chosen Republican electors.

Northern States except those named above. The undisputed results[1] of the election were therefore 184 electoral votes for Tilden and Hendricks, and 172 for Hayes and Wheeler, and the whole result of the election hinged upon the final declaration of the results in Florida and Louisiana, that is, upon the decisions of the Returning Boards of those States, and upon the disputed vote of Oregon.

10. As soon as the state of affairs in the doubtful States was discovered, a large number of prominent citizens from the North went to the State capitals to oversee the count, by invitation of President Grant and of the Democratic National Committee. The four electoral votes of **Florida** were decided by the Returning Board to be Republican by a majority of 926 ; this result was reached by casting out the votes of various precincts and counties. The State Supreme Court then ordered the Board to declare the result of "the face of the returns,"[2] without casting out any. The Board

1 The Republicans alleged that very many of the Southern electoral votes had been obtained for the Democratic candidates by the violent suppression of the colored vote, but did not formally dispute the count of these votes. The Democrats disputed the count of many individual Republican electoral votes in the North, on the ground that the electors who cast them were Federal office-holders ; but in these cases the ineligible electors regularly resigned before acting and were re-chosen by the electoral colleges to fill the resulting vacancies. The statement above is therefore made as "undisputed." It does not include the single vote of Oregon.

2 What the real "face of the returns" was is doubtful. Those acknowledged by the Board and those claimed by the Democrats agree very closely, except as to Baker County. From this county two returns were sent : (1) 130 Rep., 89 Dem., Rep. maj. 41 : and (2) 143 Rep., 238 Dem.,

again met, cast out the votes of certain other precincts and counties, and declared a Republican majority of 206. Before this was done, however, the day appointed for the voting of the electors had come, and the Republican electors met and voted. In **Louisiana** the Democratic electors protested without effect against the refusal of the Returning Board to add a Democrat to their number, as the law required, and against their refusal to canvass all the votes in public. After a three-weeks' session, and many changes in the returns, the Board declared the Republican electors successful by an average majority of about 4000; the Democrats claimed 8000 majority on the face of the returns.[1] McEnery, claiming to be Governor, gave the Democratic electors a certificate of election; in Florida the Attorney-General, as one of the Returning Board, signed the Democratic certificate. In both States the Republican Governor signed the certificates of the Republican electors. In **Oregon** the three Republican electors had a majority, but, on the claim that one of them was a Federal office-holder and ineligible, the Democratic Governor gave a certificate of the election of one Demo-

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Dem. maj. 95. The former was taken by the Board, while the latter was claimed by the Democrats. As the sum total of the votes of all the other counties, as acknowledged by both parties, is almost an exact tie on the face of the returns, it will be seen that the gist of the difficulty lies in the double return from Baker County.

1 (Returns, average) Rep. 75,759, Dem. 83,635, Dem. maj., 7876; (Returning Board, average) Rep. 74,436, Dem. 70,505, Rep. maj. 3931.

cratic and two Republican electors. The three Republican electors were certified by the Secretary of State, who was the canvassing officer of the State by statute.

11. Congress met December 5th, 1876. The **XLIVth Congress, 2d Session.** President's Message deprecated harsh judgment for any mistakes of judgment which he had made in his two terms of office, and attributed them mainly to the subordinates whose appointment had been forced upon him by Congressmen. In the House, S. J. Randall, of Pennsylvania, was chosen Speaker in place of Speaker Kerr, who had died during the summer. The session was almost entirely taken up by the **Disputed Presidential Election.** It was evident that neither House would consent to the adoption of a joint rule for the count which should seem to operate against the candidates of its majority. Extreme Republicans were beginning to advance the idea that the Vice-President, who was to open the certificates, was also to decide between two returns; extreme Democrats argued the right of the House to decide when the emergency had arrived in which it was to elect a President. As a compromise, the **Electoral Commission** was created by act of January 29th, 1877; it was to consist of five members chosen by the House, five by the Senate, and five Justices of the Supreme Court. Double returns, and all returns to which objection should be made,

were to be referred to this commission, whose decision was to be final unless reversed by the vote of *both* Houses. The general rule held by the Commission was that it was only empowered to canvass electoral votes, not popular votes, and to decide whether the Governor had certified those electors who had been declared elected by the canvassing authority of the State. It thus ascertained that in Louisiana and Florida the Governors had certified the legitimate electors, while in Oregon the Governor had not. In all these cases the House voted to reject, and the Senate to sustain, the Commission's decision, and the decision was therefore sustained in favor of the Republican electors. In the case of South Carolina, and in those of electors objected to as Federal office-holders, the Commission also decided in favor of the Republican electors, and the decision was not reversed by concurrent vote of both Houses. All the thirteen doubtful votes[1] thus fell to the Republican candidates, and the result was declared[2] to be 185 votes for Hayes and Wheeler, and 184 votes for Tilden and Hendricks. Hayes and Wheeler were therefore declared elected. March 3d, 1877, Congress adjourned, and March 4th, Hayes and Wheeler were sworn into office.

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1 Florida 4, Louisiana 8, Oregon 1.

2 After 4 o'clock in the morning of March 2d.

CHAPTER XXIV.

TWENTY-THIRD ADMINISTRATION, 1877-1881.

Rutherford B. Hayes, President. **William A. Wheeler, Vice-President.**

XLVth and XLVIth Congresses.

Popular vote for President in 1876 : *Dem.* 4,284,757, *Rep.* 4,033,950.[1]

1. In **Florida** the State Supreme Court had persisted in compelling a count upon the face of the returns of the votes for State officers, and the Democratic State government was thus finally declared elected and inaugurated, although the Returning Board had at first given the election to the Republican candidates. In **South Carolina** and **Louisiana** President Hayes, soon after his inauguration, ordered the Federal troops to be withdrawn,[2] and the Democratic State governments at once took possession without resistance. It was charged that the President had thereby impeached his own title to the Presidency, which "rested upon the action of the same Returning Boards which had declared the Republican Governors elected."

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1 In Florida and Louisiana the Returning Board count has been taken.

2 Similar orders were given in March by President Grant, but were not executed.

It must be noted, however, that electors are to be chosen "in such manner as the Legislature of the State may direct," and that the power of a Legislature to commit the choice of electors to a Returning Board may be admitted without admitting its power to delegate the choice of State officers to the same hands. During the summer extensive **Railroad Strikes** and other disorders caused considerable alarm and loss of property and life, but were successfully suppressed by the State authorities, assisted, wherever necessary, by United States troops.

2. Congress met October 15th,[1] 1877, having been called to an early Session by a proclamation of the President, in consequence of the failure of the preceding Congress to pass the appropriation for the army. The Senate was still Republican and the House Democratic. In the House Speaker Randall was re-elected by 149 votes to 132 for James A. Garfield, of Ohio. The most striking action of the Session was the passage of the **Bland Silver Bill.** The Act of July 14th, 1870, to refund the national debt, had made all bonds issued under it payable in "coin"; and the Act of February 12th, 1873, had "demonetized" the silver dollar, that is, had dropped it from the list of United States coins. Since that time the value of silver, as compared with gold, had been very

XLVth Congress, 1st Session.

1 Senate, Rep. 39, Dem. 36, Ind. 1; House, Dem. 153, Rep. 140.

steadily falling, and a strong feeling had grown up in both parties that the silver dollar should be restored to the list of coins and used, at least in part, for the payment of bonds. The Bland Bill provided for the resumption of the coinage of the silver dollar of 412½ grains (worth then about 92 cents), made it a legal tender for public and private debts, and directed its coinage at the rate of not less than $2,000,000 or more than $4,000,000 monthly. It was vetoed, and was passed over the veto by heavy majorities. An Act was passed forbidding the further retirement of United States notes. An Army Appropriation Bill was passed containing a proviso that it should not be lawful to employ any part of the army as a *posse comitatus*, except as expressly authorized by the Constitution or by Act of Congress. A House committee, commonly known as the **Potter Committee,**[1] was appointed to investigate the alleged frauds in the Southern States. Congress adjourned June 20th, 1878. An unexpected result of the Potter Committee's investigation was the discovery of a number of **Cipher Telegrams**[2] from persons nearly connected with Mr. Tilden, having for their object the bribery of the Returning Boards. Mr. Tilden denied that he was a party to these negotiations.

3. From the beginning of his Administration, President Hayes had not the hearty support of any

1 So-called from its chairman, Clarkson N. Potter, of New York.

2 These were mainly translated in the office of the *New York Tribune.*

party in Congress. To many of the Republicans, who had grown up under the enforcement system, his withdrawal of Federal troops from Southern States, and his efforts to conciliate the South in other ways, seemed to be weak, wavering, and "Sunday-school politics"; very great feeling was excited among the Democrats by his appointment of members of the Returning Board to Federal offices; his partial efforts to free himself from the control which Congressmen had gradually acquired over appointments deprived him of much of a President's usual influence over Congress; and the sudden rise to prominence of financial questions, on which neither party was thoroughly united, left him without any general or coherent party support. Many Administration measures were defeated, and others were only carried by Democratic votes. Nevertheless, President Hayes's term of office was of incalculable benefit to the country as a breathing-spell, and a relief from the almost intolerable violence of party contest. During these two years the Greenback or **National Party,** which was mainly opposed to the proposed resumption of specie payments, had largely increased its popular votes. In 1876 it had polled 80,000 votes; in the State elections of 1878 this was increased to over 1,000,000. **Specie payments** for United States notes were resumed without difficulty, January 1st, 1879.

4. Congress met December 2d, 1878. The Presi-

XLVth Congress, 2d Session. dent's Message urged upon the attention of Congress the alleged continuance of intimidation of negro voters in the South. The only important legislation of the Session was an Act authorizing the refunding of the national debt at four per cent. interest, and an Act giving arrears of pensions to those who had not yet filed applications. Congress adjourned March 4th, 1879, without passing the **Army Appropriation Bill,** owing to an endeavor by the House to add as a "rider"[1] to it a bill to repeal the general election law.[2]

XLVIth Congress, Extra Session. 5. Congress met March 18th, 1879, having been summoned to an extra Session by a Proclamation of the President. Both branches had Democratic majorities,[3] and in the House Speaker Randall was re-elected. The **Warner Silver Bill,** providing for the unlimited coinage of silver, was passed by the House, but the Senate Finance Committee refused to report it. The main business of the Session was with the **Appropriation Bills,** to all of which the Democratic majority added "riders" for the purpose of carrying out a reduction of Federal power. To the Army Bill a rider was added repealing the existing permission to the army to "keep the peace at the polls"; to the Legislative Bill was added another, repealing the

1 See p. 158. 2 See p. 228.

3 Senate, Dem. 42, Rep. 33, Ind. 1; House, Dem. 149, Rep. 130, Nat. 14.

authority giving to Federal supervisors to count the votes at Congressional elections, and to Federal marshals to arrest at the polls; and to the Judiciary Bill was added another, forbidding the payment of Federal marshals for "services in connection with elections." All these were opposed by the Republicans as efforts to coerce a co-ordinate branch of the Government by refusing appropriations, were vetoed by the President, and failed to become law. Having finally passed the Appropriation Bills without riders, Congress adjourned July 1st, 1879. During the summer a considerable **Negro Exodus** took place from the South to the Northwest. It was ascribed by Republicans to Southern ill-treatment of negroes, and by Democrats to the operations of railroad agents.

XLVIth Congress, 1st Session.

6. Congress met December 1st, 1879. The President's Message advised Congress not to legislate further at present in regard to the coinage, recommended the retirement of legal tenders, and urged the necessity of reform in the civil service. No important political action was taken except the passage of a law to prevent the use of the army to keep the peace at the polls, but with the proviso that it should not be construed to prevent the constitutional use of the army to suppress domestic violence in a State. The "riders" of the last Session were again added to Appropriation and Deficiency Bills, but were again vetoed and failed to

become law. The Democratic opposition to the **General Election Law** was very much weakened by a Supreme Court decision during the Session, upholding the constitutionality of the law. Congress adjourned June 16th, 1880. Not one effective step had yet been taken, by statute or amendment, to avoid the recurrence of a disputed electoral count such as that of 1876. The Republicans were unwilling to entrust the count entirely to the control of a Democratic Congress, and neither party was willing to entrust the final and absolute decision upon the validity of a State's electoral votes to the highest judicial authority of the State itself.[1] The attempted counting-out of the Republican majority in the Legislature of **Maine,** by the Governor and Council, in the winter of 1878–79, had emphasized the danger by showing the possibility of double returns from some Northern State; but nothing was done.

7. The **Republican National Convention** met June 5th, 1880, at Chicago. The Grant majority in the State Conventions of New York, Pennsylvania, and Illinois had ordered their delegates to cast the entire vote of their States for ex-President Grant, without regard to the preferences of individual districts. The Convention, however, refused to recognize the unit rule, and absolved the delegates from obedience to it. The platform

1 This, the proposition of Senator Edmunds, of Vermont, would seem to be in strict pursuance of the intention of the electoral system.

detailed the party's achievements in the past, denounced the Democratic party and the "Solid South," and favored a protective tariff, the protection of all citizens in all their rights by Federal power, and the restriction of Chinese immigration. On the thirty-sixth ballot, June 8th, James A. Garfield, of Ohio, was nominated for President. His nomination was the result of the sudden union of the Blaine, Sherman, and other delegates against those delegates, about 306 in number, who voted steadily for Grant to the end. Chester A. Arthur, of New York, was nominated for Vice-President. The **Greenback-Labor National Convention** met at Chicago, June 9th, and adopted a platform which claimed for the Government the entire control of the issue of money, and condemned the grant of any such power to corporations, the continuance of grants of lands to railroads, and the immigration of Chinese. It nominated James B. Weaver, of Iowa, for President, and B. J. Chambers, of Texas, for Vice-President. The **Democratic National Convention** met at Cincinnati, June 22d, and adopted a strict construction platform. It called for home rule, honest money ("gold and silver, and paper convertible into coin on demand"[1]), a revenue tariff, and permission to purchase ships abroad, and denounced the "fraud of 1876–77" and the Administration's "claim of a

1 The latter part of this definition would hardly have been accepted by the original, or Jeffersonian, Democracy.

right to surround the ballot-boxes with troops." It nominated Winfield S. Hancock, of Pennsylvania, for President, on the second ballot, and William H. English, of Indiana, for Vice-President. In the **Presidential election** in November, Democratic electors were chosen by all the Southern States, and by New Jersey, California,[1] and Nevada in the North; all the other States chose Republican electors. On the entire popular vote the Republicans had a slight plurality, neither party having a majority. The Greenback vote did not affect the result, except in California, Indiana, and New Jersey, where it prevented either party from having a majority. The Congressional elections gave the Republicans a majority of one over all in the House of Representatives,[2] which was to meet in December, 1881.

8. Congress met December 6th, 1880. The **XLVIth Congress, 2d Session.** principal business of the Session was to count the electoral votes, as to which there was, luckily, no doubtful question of vital importance to either party. Georgia had as yet neglected to alter her State law, as passed under the Confederacy, by which her electors met and voted on the second Wednesday of December instead of the first Wednesday, as required by Federal law. Both parties amicably agreed to count the vote of Georgia "in

1 One Democratic elector in California was defeated.
2 Rep. 147, Dem. 136, Grb. 9, Ind. 3.

the alternative,"[1] declaring that Garfield and Arthur had 214 votes, that Hancock and English had 155 votes if the vote of Georgia were counted, and 144 votes if the vote of Georgia were not counted, and that in either case Garfield and Arthur were elected. Congress adjourned March 3d, 1881, and March 4th Garfield and Arthur were sworn into office.

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1 See p. 97.

CHAPTER XXV.

TWENTY-FOURTH ADMINISTRATION, 1881–1885.

James A. Garfield, President. Chester A. Arthur, Vice-President. XLVIIth and XLVIIIth Congresses.

Popular Vote for President in 1880 *: Rep.* 4,442,950, *Dem.* 4,442,035, *National* (*Greenback*) 306,867, *Scattering* 12,576.

XLVIIth Congress, Senate, 1st Extra Session.

1. An extra session of the Senate, to consider the new President's nominations to office, met immediately after the inauguration. In actual membership the parties were a tie,[1] but the casting vote of the Vice-President gave the Republicans a majority. They at once undertook to change the employees of the Senate, as the Democrats had done on obtaining control of the Senate. The Democrats resisted the attempt on the ground that the Senate, at its extra session, ought to attend only to the specific business for which it had been summoned ; and, there being no rules in the Senate to limit debate, the dispute was prolonged for many weeks, to the neglect of all other

1 Dem. 37, Rep. 37, Ind. 2. The independent vote was divided between the two parties.

business. The sudden resignation of the two Republican Senators[1] from New York, because of a disagreement with the President as to certain appointments in their State, left the Democrats in the majority, and the Senate, having confirmed the President's nominations, adjourned May 24th, 1881. The attention of the whole people was again called to the necessity of **Civil-Service Reform**—which had long been formally approved by both parties and faithfully executed by neither—by the crime of a disappointed office-seeker in shooting the President, with intent to kill him, July 2d, 1881. September 19th, President Garfield died, and Vice-President Arthur became President in his stead. The assassin, after trial and conviction, was hanged in the following year.

2. A second extra session of the Senate met **XLVIIth Congress, Senate, 2d Extra Session.** after the death of President Garfield, to consider the nominations of his successor to offices in the Cabinet and elsewhere. Thomas F. Bayard was succeeded by David Davis, an Independent, as President of the Senate, and Arthur's Cabinet nominations were confirmed. Robert Lincoln was the only one of Garfield's Cabinet ultimately retained.

3. Congress met December 5th, 1881.[2] In the

1 Roscoe Conkling and Thomas C. Platt.

2 Senate, Dem. 37, Rep. 37, Ind. 2; House, Rep. 147, Dem. 136, Grb. 9, Ind. 1.

XLVIIth Congress, 1st Session. House the Republicans had a majority of one over all others, and J. Warren Keifer was chosen Speaker. The President's Message fulfilled the expectations which the country had formed after the announcement of his Cabinet. It took high ground concerning **Civil Service Reform,** recommending important legislation with reference to strengthening and applying the principle. It contained also a forcible presentation of the necessity of further action on the part of Congress with reference to Mormonism and the cessation of silver coinage. A new **Apportionment Act** was passed, based on the census of 1880. The ratio of representation was fixed at one Congressman to 151,912 inhabitants. This raised the membership of the House to 325, and the total electoral vote to 401. The Edmunds Anti-Polygamy Bill was passed and became a law. There was much discussion of the demand made for the exclusion of the Chinese. A bill was finally prepared, passed, and signed by the President, which prohibited immigration from China for ten years. A River and Harbor Bill providing for extraordinary appropriations was passed over the President's veto. The most important political question was the reduction of the **Tariff,** and provision was made for the appointment of a Commission to bring in a report on the matter. Such was the general prosperity of the whole country, notably of the South, that the

receipts for revenue were far larger than the necessary expenditures of the government, whose creditors refused to receive their money before it was due, and the increasing surplus made evident the necessity for a reduction of taxation. Congress adjourned August 8th, 1882. In 1881 was celebrated the centennial anniversary of the surrender at Yorktown. British representatives were present, and the British flag was saluted by order of the President. In 1882 the Mississippi overflowed its banks in a flood so disastrous as to drive nearly 100,000 people from their homes for a time. The State elections held in the fall were favorable to the Democrats, and Chas. J Folger, who was avowedly the Administration candidate for Governor of New York, was defeated by Grover Cleveland.

XLVIIth Congress, 2d Session.

4. Congress met December 4th, 1882. The **Pendleton Civil Service Bill** was debated, passed and approved. It could not under the Constitution curtail the President's power of appointment, but it allowed the President to create a board of examiners, and to make appointments from those who were recommended by them. The Act was immediately enforced and faithfully executed by Arthur. The principle of Civil Service Reform was thereby established as a question not only in National but in State politics. On the **report of the Tariff Commission** a bill was passed and approved, but the execution of its provisions did not reduce the

revenue as much as was expected, and the question remained an open one. Congress adjourned March 4th, 1883.

5. The year 1883 was politically uneventful. But about this time the growth of corporations in numbers and wealth made it clear that the old Trade Unions of labor were not radical enough to cope successfully with the new force developed by capital. Accordingly, to meet the imperfectly understood but much dreaded consequences of the "pool," the "trust," and the "black-list," a local Philadelphia society, the **Knights of Labor,** numbering at this time 52,000 members, suddenly sprang into prominence, proposing the union of all kinds and classes of labor into one organization, so as to paralyze if needful the industry of the whole country to redress the wrongs of the humblest workingman.

Windstorms or cyclones wrought great havoc during this and the following year in both the West and South.

6. Congress met December 3d, 1883.[1] Edmunds **XLVIIIth Congress, 1st Session.** of Vermont was elected temporary President of the Senate. But the Democrats controlled the House, and chose J. G. Carlisle, of Kentucky, as Speaker. The most important legislation proposed was the **Presidential Succession Bill,** whereby the suc-

1 Senate, Rep. 40, Dem. 36; House, Dem. 200, Ind. Dem. 4; Rep. 116; Readjuster (Rep.) 4; Grb. 1.

cessors to the office of President, in case of his disability or removal by violent or natural causes, were to be the Vice-President, the temporary President of the Senate, the Speaker of the House of Representatives and the Cabinet Secretaries according to the seniority of the various Departments. The bill with changes did not pass until 1885. There was also introduced and passed by the Senate the Blair Educational Bill, to distribute from the national Treasury certain sums for promoting education in various States according to the proportion of illiteracy in the population. This proposition has been before every succeeding Congress until the present time (1890), but has never received the approval of the House of Representatives, and has recently (1890) been rejected by the Senate. An attempt at a reduction of Tariff duties was made by the so-called **Morrison Horizontal Reduction Bill,** which was defeated in the House by the combined votes of the Republicans and the Randall or Protectionist Democrats. The **Tariff** was, therefore, the most important question in the next Presidential election. Congress adjourned July 7th, 1884.

7. About this time popular discontent with the administration of justice in many parts of the country began to be acute. In many cases the laws themselves were defective, in others the juries were composed of unfit men. It also occurred that injured persons, having no confidence in the results of litigation took the law into their own hands and

were not punished. The **Cincinnati Riots of 1884** originated in discontent with such a state of things, but as is the case in all such risings the wildest excesses were committed. They lasted several days.

The combination of laborers against corporations went steadily forward under the Knights of Labor, and the "boycott" was imported from Ireland as a means of coercion. By its workings any employer thought to be oppressive in dealing with members of any labor organization was punished by a refusal to purchase his products wherever found. The announcement of a boycott was made as public and as offensive as possible.

8. The **Republican National Convention** met at Chicago on June 3d, 1884. It nominated James G. Blaine, of Maine, and John A. Logan, of Illinois, for President and Vice-President respectively. The platform pledged the party to a reduction of the surplus and to the principle of protection, to the control of corporations by congressional regulation of inter-state commerce, to the settlement of the labor difficulties by the organization of a national labor bureau, and to Civil Service Reform. It charged the Democrats with fraud and violence in dealing with the negro vote in the South, and emphasized the loose-constructionist view of State rights.

The **Democratic National Convention** met at St. Louis on July 8th. The platform was remarkable for its recognition of loose-construc-

tionist views in the party. It demanded a change of administration in the interests of pure administration, evaded the question of protection but promised a reduction of tariff duties and legislation looking to the control of corporations in the interests of labor. It arraigned the Republican policy as having destroyed the merchant marine, and also promised Chinese exclusion. It promised Civil Service Reform and announced an "American continental policy, based upon more intimate commercial and political relations with the fifteen republics, but entangling alliance with none." The nominations were Grover Cleveland, of New York, for President, and Thomas A. Hendricks, of Indiana, for Vice-President. The **National or People's ("Greenback") Convention** nominated Benjamin F. Butler, of Massachusetts, and A. M. West, of Mississippi, for President and Vice-President, on a platform demanding the substitution of greenbacks for National bank notes in order to make money "cheap," and denouncing monopolies. The **Prohibition Convention** nominated John P. St. John, of Kansas, and William Daniel, of Maryland. The platform demanded the entire suppression of the manufacture and sale of all intoxicating drinks, and enunciated the principle of Woman Suffrage. Nominations were also made by the Woman Suffrage party and the American Alliance.

The ensuing contest was very vigorous, and was embittered by disgraceful attacks upon the per-

sonal character of each of the two leading candidates. It was also marked by the unsuccessful attempt to form an Independent party to support Cleveland. After the election in November it was found that the Democrats had 183 electoral votes and the Republicans 182, without those of New York, and that none had been chosen by either the Prohibition or the People's party. In that State the result was doubtful for two days, the vote being very close. The official count showed a small majority for the Democrats, and gave, therefore, 36 electoral votes to them. This result was due in part to the Prohibitionists, and in part to the independent voters, or "Mugwumps," as they were commonly called, who were influential and active although without an organization. The elections for Representatives in the Congress which was to meet in December, 1885, resulted in a Democratic majority of forty.

XLVIIIth Congress, 2d Session.

9. Congress met December 1st, 1884. The session was very uneventful, and the general feeling of the country, which was one of expectation, was reflected in both the Administration and in Congress. The President's message, however, recommended a cessation in the coining of silver. It was also proposed in the House to increase the number of Cabinet officers by changing the Bureau of Agriculture into a Department. Congress adjourned March 4th, 1885, and Cleveland and Hendricks were sworn into office.

CHAPTER XXVI.

TWENTY-FIFTH ADMINISTRATION, 1885–1889.

Grover Cleveland, President. Thomas A. Hendricks, Vice-President. XLIXth and Lth Congresses.

Popular vote for President in 1884. *Dem.* 4,911,017, *Rep.* 4,848,334, *Prohib.* 151,809, *People's* 133,825.

1. DURING the spring and summer of 1885 the most important political question was that of the **Civil Service.** For the first time in more than fifty years no sweeping changes in the non-political offices were made. The Pendleton Act was obeyed in spirit, and its principle was applied to many offices not covered by it. In a few instances only changes were made "for the good of the service," where the charges against the officers removed were not made public, and the President was charged with acting upon the 'spoils' system of distributing offices and violating the Tenure of Office Act. Many famous men died during this period, among others Grant, McClellan, and the Vice-President, Hendricks. The death of the latter again called attention to the importance of regulating the Presidential succession.

2. Congress met December 16th, 1885.[1] The

1 Senate, Rep. 41, Dem. 35. House, Dem. 182, Rep. 138, People's 2, Vacancies 3.

XLIXth Congress, 1st Session. President's Message contained four recommendations of importance—the reduction of Tariff duties, the extension of Civil Service Reform, the regulation of the Presidental succession, and the appointment of a commission to settle the Fisheries Disputes with Great Britain. John Sherman was elected temporary President of the Senate, and Speaker J. G. Carlisle was re-elected in the House. This Session of Congress was unusually fruitless in completed legislation. The only bills of importance which became laws were the **Presidential Succession Bill,** naming the Vice-President and the Secretaries of the Departments in the order of establishment, as successors in case of the disability or death of those preceding them, provided that such Secretaries be constitutionally eligible, the Increased Pensions Bill, and the Bill increasing the Navy. The President vetoed over one hundred Acts of Congress, about ninety of which were private pension bills. There was a sharp **contest between the President and the Senate** in regard to suspensions and nominations, which resulted in a practical victory for the former. This was really a matter of political tactics, for the Administration did not lay before the Senate the papers containing the reasons for removal as it demanded, and as the legal terms of many of the suspended officials had expired, the President formally withdrew his nominations and sent them in again as new ones. The logic of

events thus brought about their confirmation. The Democrats prepared a Tariff Bill, but failed to secure its consideration. Congress adjourned August 5th, 1886.

3. The **Civil Service Commission** was fully organized about April 1st, and entered upon its work with judgment and zeal. The examining boards were reformed so as to free them from direct or indirect political influence. Their investigation of the Custom House in New York discovered the boldest violations of the spirit of the law, and resulted in the resignation of the Collector. The commission further regulated the relations of local boards to itself in the matter of records and reports, and perfected a plan for promotion. The President did all in his power to second their efforts; he officially warned all office-holders against attempts to control local politics, and appointed a Republican to be chief-examiner for the Civil Service commission. Public sentiment was in general favorable to the reform, but much unsuccessful hostility to it was shown in the Senate.

4. By this time the numbers of the Knights of Labor had grown to 600,000. Labor troubles were widespread, and strikes of a serious nature occurred throughout the country. Desperate agitators, who called themselves Anarchists, made demonstrations in Chicago, Milwaukee, and New York. The leaders of the Chicago rioters were indicted for murder, seven were found guilty, and four of them

were hanged. In other cities they were punished according to the nature of their offense. The officers of the Knights of Labor organization showed much good sense and moderation in their published orders, but they were unable to control the baser elements in the society. It began, therefore, to lose whatever good reputation it had acquired. The courts dealt the "boycott" a severe blow by convicting of conspiracy many of those who engaged in it, and punishing them by imprisonment for terms varying from three months to four years. The President in a special message to Congress recommended arbitration by a permanent Commission of Labor as the means of settling all controversies between labor and capital.

XLIXth Congress, 2d Session.

5. The Second Session of the Forty-ninth Congress began on December 6th, 1886. The President's Message emphasized the importance of reducing the surplus revenue, and recommended lowering the duties on the necessities of life and on raw materials. It also commended the working of the Civil Service Law as the "surest guarantee of the safety and success of American institutions." Later the papers concerning the **Canadian Fisheries Dispute** were laid before Congress, with a statement from the Administration that it would demand damages for the seizure of American fishing vessels. Several very important measures became law. **The Electoral Count Act** permits Con-

gress to go behind the returns only when a State fails to settle its own disputes. The Free Delivery System of the Post Office Department was materially extended; the Trade Dollar was withdrawn from circulation; lands were granted in severalty to the Indians; private claims were ordered henceforth to be referred to the Court of Claims; and the President was authorized to take severe retaliatory measures against Canada. The Dependent Pension Bill, granting twelve dollars a month to every honorably discharged war veteran of not less than three months' service, who was at the time dependent on his own daily labor or on others for support, was vetoed by the President, as were also many private pension bills. The Morrison Tariff Bill, which had been prepared the year before by the majority of the Democrats, was again offered for consideration, but the movement was defeated as before by the Republicans and protection Democrats. The **Anti-Polygamy Bill** became law without the President's signature. It was more radical in its measures than any previous law, and made the status of polygamy criminal. The Tenure of Office Law was repealed. During the closing days of the Session, Senator Sherman resigned the temporary Presidency of the Senate, and was succeeded in that office by J. J. Ingalls of Kansas.

6. By far the most important action of the Session was the passage and approval of the **Inter-State Commerce Act.** This law created a Commission

of five members, to be appointed by the President and confirmed by the Senate. It has authority to call for books, papers, etc., to summon witnesses, and to appeal to the Courts for assistance in cases of disobedience. The Commissioners, moreover, must not be in any way pecuniarily interested in the stocks or bonds of corporations affected by the Act, nor in their employment. The chief provisions of the law forbid discrimination in rates and the pooling of freights by different and competing railroads, or dividing between them the aggregate or any proportion of the earnings of such railroads. The penalty is a fine of $500 for each offence, but relief authorizing (in special cases) a less charge for a "long haul," than for a "short haul," may from time to time be granted by the Commission. In accordance with the statute the Commission was constituted on March 22d by the appointment of men of recognized ability and discretion. The operation of the law has given general satisfaction. Congress adjourned March 3d, 1887. The Congressional elections of the autumn resulted in a somewhat diminished Democratic majority in the House. Contested elections for the Senate in several Legislatures made its political character uncertain.

7. The Administration did not satisfy the reformers in the further development of reform in official appointments, but they admitted that, nevertheless, the "spoils" system was seriously shaken. During

the summer there were two great strikes, both unsuccessful, in the building trade. The labor movement began to lose support because of the pronounced socialism of many of its leaders. The Knights of Labor diminished in influence, and their numbers decreased by nearly two hundred thousand within the year. This was due in a measure to the increasing strength of a rival society, the American Federation of Labor.

The celebration in Philadelphia, September 15–17, of the centenary of the Federal Constitution was a notable event. Larger numbers participated, either as on-lookers or in the parades and public exercises, than in any previous centennial celebration.

Lth Congress, 1st Session.

8. When the Fiftieth Congress[1] met, on December 5th, 1887, it was found that the Senate was almost equally divided, with one independent vote, and that in the House the Democrats had a majority of eleven over all others. Speaker Carlisle was again re-elected. The President's Message was devoted exclusively to one topic, the **Tariff.** He estimated that the surplus would be $140,000,000 on June, 30th, 1888. He denounced the existing tariff laws as "the vicious, inequitable, and illogical source of unnecessary taxation," and demanded as a remedy the abolition of duties on raw materials, arguing especially in favor of the removal of the duty on wool. This was the longest Session

1 Senate, Rep. 39, Dem. 37; House, Dem. 168. Rep. 153, Ind. 4.

of Congress ever held, but it was not fruitful of important legislation. One Act made permanent the authority of the Secretary of the Treasury to purchase bonds with the surplus in the Treasury. The largest River and Harbor appropriation ever made ($22,227,000) became law without the President's signature. Bills were also passed authorizing the President to arrange for an All-American Congress and for an International Marine Conference; the necessary appropriations being contained in the Acts. The former was to consist of delegates from all independent governments in North, Central, and South America. The latter was to be a conference between the marine nations of the world to devise means for assuring greater safety for life and property at sea. The Blair Educational Bill again passed the Senate by a diminished majority, but was defeated in the House. A new tariff measure known as the **Mills Bill** was passed by the House. Its most important feature was the removal of the duty on wool, and it was estimated that this, with other less important changes, would reduce the customs duties by $50,000,000. The Senate Finance Committee introduced a substitute, repealing the tobacco tax and reducing the sugar duty one-half. By these means the revenue would be diminished by $65,000,000. A **Fisheries Treaty** with England had been negotiated, but it was unsatisfactory to New England and was rejected by the Senate. The

President then asked for powers to visit upon Canada the severest form of retaliation, by stopping the transhipment of Canadian goods in bond across the United States. A bill granting the power was passed as a party measure in the House, but the Senate by referring it to a committee virtually ended any possibility of action. A new treaty with China, prohibiting the entrance of Chinese labor into the United States for twenty years, was ratified by the Senate and rejected by China. Thereupon a new **Chinese Exclusion Bill** of the utmost stringency was passed by both Houses and approved by the President. Congress adjourned October 20th, 1888.

9. The cause of **Civil Service Reform** was theoretically furthered by an executive order enlarging the scope of the classified service, and by the complete revision and marked improvement of the rules and regulations, but there began to be widespread distrust of the practical methods of party managers, and the unpunished partisan activity of office-holders was notorious. Labor troubles diminished in number and importance, although there was one very serious railroad strike and some dangerous agitation. The most important reform movement of the time was the initiation by Massachusetts, Wisconsin, and a few other States, of a new method of voting intended to secure secrecy and prevent bribery. This **Ballot Reform** makes steady headway, although there has been much op-

position. The Supreme Court decided that the law in Washington Territory extending the suffrage to women was unconstitutional. The cause of Temperance was much strengthened by political and judicial action in New York, New Jersey, and Pennsylvania, although it has since been somewhat discredited by the extreme views of some of its supporters, and has been weakened temporarily by the unexampled activity of its opponents.

10. The **Democratic National Convention** assembled at St. Louis, on June 5th, 1888. President Cleveland was renominated unanimously and by acclamation, and Allen G. Thurman, of Ohio, was nominated for Vice-President on the first ballot. The platform indorsed the Administration, for the inauguration of honest reform in the Civil Service and for its efficiency, emphatically approving the President's message in regard to revenue reform, and declared that "domestic industries should not and need not be endangered by the reduction and correction of the burdens of taxation." The **Republican National Convention** met in Chicago, June 19th. Once in February, and again in May, letters had been published from Mr. Blaine, who was in Europe, declaring that he could not accept a nomination to the Presidency, but in spite of that fact there were still many in the Convention who hoped that the party could unite on no other candidate. On the third day, however, and after seven ballots, Benjamin Harrison, of In-

diana, and Levi P. Morton, of New York, were nominated for President and Vice-President respectively. The platform charged the party in power with suppression of the ballot in the South, inefficiency in its foreign policy, abuse of the veto power, and a desire to destroy "the general business, the labor and the farming interests of the country," by its tariff legislation. It favored protection as the American system, and "the entire repeal of internal taxes rather than the surrender of any part of our protective system." It claimed for the Republican party the inauguration of Civil Service Reform, and demanded its extension in order to avoid "the dangers to free institutions which lurk in the power of official patronage." The **Prohibition National Convention** was held in Indianapolis on May 31st. Its nominations were Clinton B. Fisk, of New Jersey, for President, and John A. Brooks, of Missouri, for Vice-President. The platform declared that "the manufacture, importation, exportation, and sale of alcoholic beverages should be made public crimes, and punished as such," and demanded the abolition of the Internal Revenue System, and the reduction of import duties. Other nominations were announced as having been made by the Equal Rights party, the United Labor party, the Union Labor party, and the American party. The campaign was less acrimonious than the preceding one, but was marked by the use of money to an unprecedented

extent. The result of the election was the success of the Republicans by a majority of 65 in a total electoral vote of 401. The contest again turned on the vote of New York.

Lth Congress, 2d Session.

11. Congress met December 3, 1888. The President's message was an amplification of his former argument for a change in the tariff. It also reviewed our foreign relations and the condition of the Departments. To the already existing Executive Departments was added a new one, that of Agriculture. An Act was also passed providing for the admission as new **States of North and South Dakota, Washington, and Montana.** A new Tariff bill was passed by the Senate, differing from the preceding one by substituting ad valorem for specific duties. In the House a report was presented declaring this substitution for the House (Mills) Bill unconstitutional. A contest between the representatives of the two factions of the Democrats prevented further action. In December the President extended the scope of the classified Civil Service to the railway mail service, and in spite of some adverse action in various quarters, steady and sure progress was made in the reform, both State and National. Congress adjourned March 4th, 1889, and Harrison and Morton were sworn into office.

CHAPTER XXVII.

TWENTY-SIXTH ADMINISTRATION, 1889–1893.

Benjamin Harrison, President. Levi P. Morton, Vice-President. LIst and LIId Congresses.

Popular vote for President in 1888: *Dem.* 5,536,524, *Rep.* 5,441,923, *Prohib.* 246,406, *Labor* 144,608.

LIst Congress, Ist Session.

1. WHEN Congress met on December 2d, 1889,[1] the executive and legislative departments of the Government were Republican throughout. It was determined to change the rules of the House so as to expedite business. Accordingly, after much heated discussion, the Speaker was authorized to count as present for the purposes of a quorum all who were in the chamber, whether answering to the roll-call or not; he was also permitted to disregard dilatory motions. In his message President Harrison emphasized the importance of the Protective policy, and a commission, of which William McKinley of Ohio was the head, began the preparation of a bill to be presented for action at the earliest possible date. Its es-

1 Senate, Rep. 51, Dem. 37. House, Rep. 176, Dem. 155, "Wheeler," 1.

sential features were to be a reduction of the revenue and the maintenance of Protection. Levi P. Morton took his seat as presiding officer of the Senate, and Thomas B. Reed of Maine was chosen Speaker of the House. The legislation of this session was important. The **McKinley Tariff Bill** laid high duties on such foreign goods as came into competition with home manufactures, and admitted free those which did not. The Senate amended it by authorizing the President to impose duties on certain free goods whenever the country of origin imposed duties "reciprocally unequal and unreasonable" on certain of our exports. With this **Reciprocity** clause added, the bill became a law. The Bland-Allison law of 1878 was repealed, and the **Sherman Law** was enacted. By it the Government was required to purchase 4,500,000 ounces of silver monthly, and issue legal-tender treasury notes, redeemable on demand in gold or silver to the full value of the bullion. In response to a recommendation of the President's message for increase of pensions, the **Dependent Parents and Disabilities Act** was passed. The effect was to increase the number of pensioners from 537,944 in 1890 to 976,014 in 1897, and the annual expenditure from $72,052,143 to $141,263,880 during the same period. In 1894 the expenditure for pensions was over $160,000,000, about $20,000,000 less than half the total appro-

priations for national purposes. The **Navy Appropriation Act** authorized the expenditure of $25,000,000 for the increase of the Navy. The excess of expenditures by the Fifty-first Congress over those of its predecessors was $170,000,000; its total appropriations were about $1,000,000,000, and this lavishness has, so far, been continued. Chicago was designated as the site of the **Columbian Exposition** in celebration of the four hundredth anniversary of the discovery of America by Columbus. Congress adjourned on October 1st, 1890. **Idaho** and **Wyoming** were admitted as new States, the latter after warm debate as to the clause in its Constitution granting the suffrage to women. A portion of the Indian Territory was organized as **Oklahoma** and opened to settlement in 1891.

2. The **Civil Service Act** was obeyed in spirit by President Harrison, and well administered by the Commission. This policy received the hearty support of public opinion in spite of the remnants of hostility displayed in various quarters. The final count of the **Eleventh Census** made the total population of the United States on June 1st, 1890, 62,622,250, an increase of somewhat less than 25 per cent. over the figures of the Tenth. The negro population had increased less than 14 per cent. The geographical center of population was in southern Indiana. In Kansas the Farmers' Alliance met in conven-

tion during September, 1890, with the Knights of Labor, and nominated a State ticket, which was elected. The combination also secured five out of seven Congressmen and one United States Senator. They formulated as demands for national legislation: the free and unlimited coinage of silver to increase the currency, a sub-treasury scheme for loaning Government funds to farmers on the security of non-perishable farm produce at 2 per cent., and a land mortgage scheme enabling the owner of from 10 to 320 acres of land, half of which was under cultivation, to borrow from the Government treasury notes equal to half the assessed value of land and buildings. The "People's Party" was organized on an expansion of this basis during 1891, and its members were generally known as "Populists." This movement was due to dissatisfaction with the legislation of the Fifty-first Congress and to serious agricultural depression.

LIst Congress, 2d Session.

3. The Second Session of the Fifty-first Congress began on December 1st, 1890. Although alarmed by the ever-growing symptoms of discontent throughout the country, Congress felt itself committed to the policy of creating a **New Navy**, and further appropriated $16,500,000 for new vessels and equipments. Otherwise it was economical during the Second Session. A new apportionment of representatives was made on

the basis of a total number of 356. **Immigration Legislation** was amended so as to exclude, under very severe penalties, idiots, insane, criminals, and assisted immigrants. New Circuit Judgeships and Circuit Courts of Appeals were created, and the Inter-State Commerce Law was amended so as to enlarge the powers of the Commission. The most important act was that concerning **International Copyright,** which under certain limitations finally admits the rights of foreign authors, giving them the enjoyment of their property within our boundaries.

4. The widespread agitation for the free coinage of silver led to forming and carrying out a plan for an **International Monetary Conference**: it met in Brussels, but resulted in disagreement. The dispute with England concerning the respective rights and conduct of Canadian and American sealers in the Bering Sea was temporarily adjusted by declaring a close season, by appointing a joint patrol, and by making arrangements for submitting the matter to international arbitration. A riot in New Orleans resulted in the murder of several Italian subjects. The Federal Government expressed regret, but disclaimed responsibility: this resulted in a rupture of diplomatic relations with Italy; the breach was not closed until an appropriation of $25,000 was made as an indemnity to the families of the dead and as a token of our good will to

Italy. United States sailors from the *Baltimore* were assaulted by a mob in Valparaiso, and one was killed: reparation was obtained from Chili, but only upon a peremptory demand made after unavailing and long continued negotiation.

5. In the elections of 1890 the Republicans met with overwhelming defeat. They lost the legislatures of New York and Wisconsin, and a large Democratic majority was secured in the House of Representatives. Congress[1] met on December 7th, 1891, and Charles F. Crisp of Georgia was elected Speaker. The situation rendered impossible the passage of any bills along the line of strict party policy. Acts were passed enforcing reciprocal relations with Canada, regulating the redemption of National Bank notes, excluding Chinese emigrants for ten years, making eight hours a day's labor for workingmen in Government employment, regulating the administration of the pension bureau, admitting foreign-built ships to American register under certain conditions, and appropriating funds for the Columbian Exposition. Treaties of reciprocity with eleven foreign countries were proclaimed by the President and the operations of the McKinley Tariff Bill were adjusted by slight changes. Congress adjourned on August 5th, 1892.

LIId Congress, Ist Session.

1 Senate, Rep. 47, Dem. 39, Independents, 2. House, Dem. 235, Rep. 88, Farmers' Alliance, 9.

6. The **Civil Service Commission** reported that politics had virtually disappeared as a factor in appointments to the classified service of the Government. Patronage was abolished in the navy yards and from a portion of the Indian service. The efforts of the Commission to prevent the soliciting of political contributions from office-holders were partially successful. The work of **Ballot Reform** was conspicuously advanced by the further adoption of what is known as the Australian system of secret voting in a sufficient number of States to raise the total to twenty-four. Many distinguished men died during this period; notably George Bancroft, the historian, Admiral Porter, and General Sherman. The Anti-Polygamy law was enforced so rigidly in Utah that the Mormons in general conference formally renounced the institution. In thirteen States acts were passed which either constituted eight hours a lawful day's work on State or municipal work, or made an advance in that direction. About half the States enacted laws against boycotting and black-listing, and in the same number the organization of labor bureaus was completed.

7. The **Republican National Convention** met at Minneapolis on June 7th, 1893. President Harrison was renominated on the first ballot, and Whitelaw Reid of New York was nominated for Vice-President by acclamation.

The platform indorsed Protection, Reciprocity, the use of both gold and silver as the standard money under such provisions as would secure the parity of the two metals, emphasized the Monroe doctrine, and called for further restriction of immigration. The **Democratic National Convention** met at Chicago on June 20th. Mr. Cleveland was nominated for President on the first ballot and, likewise, General Adlai E. Stevenson of Illinois. The platform affirmed the allegiance of the party to the principles of Jefferson, deplored the tendency to centralize all power at Washington, asserted the principle of tariff for revenue, indorsed the idea of reciprocity, and advocated the free coinage of both gold and silver on condition that the unit be of equal intrinsic and interchangeable value, or on a basis of safe international agreement and legislation to secure the equal power of every dollar; it approved civil service reform and the restriction of immigration. The national convention of the **People's Party** assembled at Omaha on July 2d. General James B. Weaver was nominated for President on the first ballot and James G. Field secured the nomination for Vice-President. The platform set forth the existing discontent and its causes, demanded government ownership of railroads, telegraphs, and telephones, free coinage of gold and silver at the ratio of 16 to 1, a circulation of at least

fifty dollars per head of the population, a graduated income tax, the establishment of postal savings banks, and the reclamation of all land held by aliens and by corporations in excess of their needs. The **Prohibition National Convention** met at Cincinnati on June 29th. There was a marked divergence of opinion as to fusion with the People's Party, but finally General John Bidwell was nominated for President and the Rev. J. B. Cranfill for Vice-President. The platform demanded a currency issued directly by Government, a tariff for defense against the tariffs of other countries, direct taxation for necessary revenue, the suppression of stock-jobbing methods and of the liquor traffic, the suffrage for women, government control of railroads and telegraphs, one day of rest in seven for everybody, the restriction of immigration, and the prohibition of alien land ownership. During the summer there were serious labor riots near Pittsburgh and Buffalo. Small bands of detectives were employed in the former, and the latter were suppressed by military force. Much blood was shed, and there was a general outcry for some peaceful method of settling labor disputes. The elections turned on Protection. They were quiet and resulted in a sweeping victory for the Democrats, who secured 277 of the 444 electoral votes.

8. There was little legislation of the first im-

portance in the Second Session of the Fifty-second Congress, which began on December 5th. A revolution had occurred in Hawaii by which the monarchy was overthrown and a treaty for the annexation of the islands to the United States was laid before the Senate, but its friends could not secure action on it. An extradition treaty with Russia was ratified, which called forth emphatic protests from those who feared it might be construed so as not to protect political offenders. The state of the Treasury and falling off of the revenue began to cause uneasiness, as did also the steady and growing drain of gold from the Treasury. The regular appropriations were made toward the close of the session and amounted to over five hundred millions, thus equaling the record for extravagance of the preceding Congress. Some modifications in the direction of further stringency were enacted in the Immigration Bill. Congress adjourned March 4th, 1893, and Cleveland and Stevenson were sworn into office.

LIId Congress, 2d Session.

CHAPTER XXVIII.

TWENTY-SEVENTH ADMINISTRATION, 1893–1897.

Grover Cleveland, President. Adlai E. Stevenson, Vice-President. LIIId and LIVth Congresses.

Popular vote for President in 1892: *Dem.* 5,554,267, *Rep.* 5,175,201, *People's* 1,042,531, *Prohib.* 264,133.

1. When Cleveland and Stevenson were inaugurated there was apparent prosperity—agricultural, commercial, and industrial—throughout the country. But the seeds of panic had been sown in the unstable and vacillating financial policy which expediency had imposed upon the country. In 1875 the Treasury was authorized to buy specie with money obtained from special bond issues and to use it for the redemption of United States notes. In 1878 it was ordered that greenbacks thus redeemed should not be destroyed, but reissued and kept in circulation. In pursuance of this policy the Treasury created a special fund designed to average a hundred million, and in July, 1892, it was fourteen million above that sum. Under the law of 1890 silver was purchased with notes exchangeable

for "coin," a word held by the Treasury to mean gold. In 1890, therefore, there were in circulation not only three hundred and forty-six millions of greenbacks, but a hundred and fifty of silver notes, all redeemable in gold, and the latter sum must under the Sherman law rapidly increase. The price per ounce of silver had fallen in ten years from $1.30 to $0.81, and the intrinsic value of a dollar was $0.67. These two facts made our obligations seem strangely disproportionate to our ability to meet them; foreigners sold our stocks and bonds in our markets and our own people realized on their securities in gold, which they hoarded. The reserve fund in this way began to shrink, and for the first time fell below the average, reaching ninety-seven millions. A **disastrous panic** was the result, more than three hundred banks suspended, manufactories shut down, and there was widespread distress. The only enterprise of importance which did not seem to feel the depression was the **Columbian Exposition,** which opened May 1st, 1893, and closed October 30th, after a career of brilliant and unbroken success.

LIIId Congress, Special Session.

2. The Democrats had won a decided victory and, for the first time since 1861, Executive, House, and Senate were all Democratic,[1] the lat-

1 Senate, Dem. 44, Rep. 36, People's 5, three vacancies; House, Dem. 219, Rep. 124, People's 12, one vacancy.

ter by a slight and somewhat doubtful, but yet workable, majority. Yielding to a general demand for the repeal of the silver clause in the Sherman Act the President called a special session of Congress, which met on August 7th. Mr. Crisp was re-elected Speaker of the House. The people of the States and Territories whose prosperity was believed to depend on silver-mining agitated powerfully to create a sentiment in favor of the free coinage of silver by the United States mints, in case the purchase clause of the Sherman Act should be repealed. The struggle in Congress, therefore, was long and bitter, but on November 1st the repeal was passed. By this time the panic had somewhat subsided, but there was no revival of trade. The only other completed legislation was an act further restricting Chinese immigration. Congress adjourned on November 3d.

LIIId Congress, 1st Session.

3. The first regular session of the Fifty-third Congress began on December 4th, 1893. In accordance with the Democratic platform, a new tariff measure, known as the **Wilson Bill,** was at once introduced into the House. During the debates in that body the Senate passed a bill, already approved by the House, for the repeal of the **Federal Election Laws,** and thus disappeared the last of the Reconstruction measures. There was a long struggle between the

House and Senate over the details of the tariff legislation, and the President was in sympathy with the former. As finally passed on August 13th, 1894, the measure reduced the rates of duty on many imports, put wool on the free list, and diminished the tax on many other raw materials; it also contained a provision for taxing incomes over $4000. The bill became a law without the President's signature, and in the spring of 1895 the Supreme Court pronounced the **Income Tax** unconstitutional. Reciprocity was abolished except in so far as consistent with the new Act. There was an unsuccessful effort to compel the silver coinage of the **Seignorage** or difference in value between the cost of the silver purchased under the Sherman Act and its coined value. Congress adjourned on August 28th, 1894.

4. Before long it was clear that the system of taxation could neither maintain the gold reserve nor meet current expenses, and the country was greatly agitated by **Sales of Bonds,** ordered by the President. There were four such sales—January and November, 1894, February, 1895, and January, 1896. The national debt was thus increased by about two hundred and sixty-two millions. The Supreme Court, by decision, ordered the restoration to the Mormon Church of its property under a repeal of the act of Congress confiscating it, and amnesty was ex-

tended to Mormons who had been guilty of polygamy. The suffrage was given to women in Colorado. During the winter of 1893–94 **"Armies of the unemployed"** were organized in various places for the purpose of marching on Washington to demand aid from Congress. One such rabble, numbering about 350, succeeded in entering Washington but they were checked by the police, and while attempting to incite a riot the leader was arrested. Other bands were dispersed in their efforts to steal transportation from the railways. There was a continuous and successful effort to sustain the **Civil Service Commission** in the application and extension of the merit system. Hostile comment was aroused by the appointment to a diplomatic position of one who had contributed largely to the Democratic campaign fund, but the contributor, finding himself in a false position, withdrew his name, and the fear of great offices being virtually at the disposal of the highest bidder subsided. The revolution in Hawaii having been completed, the Administration began a careful examination of the facts, and an extended report on the situation created much opposition to annexation.

5. In April began an extensive **Strike of Coal Miners,** and in five States the militia were called out to suppress violence. Federal marshals and troops interfered to protect the railways. Be-

fore this strike was successfully ended by agreement in June, the employees of the Pullman Company struck against a reduction of wages in May, and the **American Railway Union** took up their cause, ordering a boycott of all Pullman cars. This resulted in serious interference with railway traffic between Chicago and California. The mails being delayed by the serious rioting and destruction of property, President Cleveland sent regulars to assist the militia, and proclaimed a state of insurrection, first in Illinois and afterward in the district further west. The strike ended on August 3d, and the action of the President, though widely discussed, was supported by public opinion and by both Houses of Congress. Offenders were indicted for rebellion and criminal conspiracy. In January, 1895, there was a serious strike of the street railway employees of Brooklyn, but order was maintained by two brigades of militia. A commission was appointed by the President to investigate the Railway Strike; it recommended a permanent strike commission whose decisions should be enforcible by the courts. The indicted labor leaders were sentenced to short terms in jail. The "armies of the unemployed" steadily disintegrated.

LIIId Congress, 2d Session.

6. Congress opened on December 3d, 1894, and adjourned on March 3d, 1895. There was little legislation beyond the routine. A bill

was introduced to incorporate a company for building the **Nicaragua Ship Canal,** and under its provisions the United States were to guarantee its bonds and hold seventy out of a hundred millions of capital stock. The friends of a strong foreign policy secured its passage in the Senate, but it was not taken up by the House. The latter passed the Compulsory Arbitration Bill without division. The **New Navy** was further increased by appropriations for two first-class battle-ships. The total appropriations of the Fifty-third Congress were thirty-seven millions less than those of its predecessor, the difference being largely in the pension account. The Administration made two energetic efforts to effect a **Currency Reform** by disconnecting the Treasury from any issue or re-issue of legal-tender notes. Both failed, owing to the opposition of those who favored the funding of the paper currency. The New York sub-treasury was within twenty-four hours of suspending gold payments when the second bond issue was taken up by a syndicate of bankers at 104½. As the price of these bonds in the public market rose almost immediately to 118, violent attacks were made on the transaction. The **Deficit in the Revenue** continued, and there was a growing sentiment, in Congress and out, favoring the free coinage of silver.

7. The State elections of 1894 gave an over-

whelming triumph to the Republicans, not only for State officers, but for Congress. The officers of a secret association, founded five years previously to resist the influence of foreigners and, in particular, of Roman Catholics upon American life, and known as the **American Protective Association,** claimed this result as in part due to their efforts. But this was problematical, and neither of the great parties was willing to affiliate with the new power.

LIVth Congress, 1st Session.

The first session of the Fifty-fourth Congress opened on December 2d, and the House organized by electing Thomas B. Reed as Speaker.[1] The rules were so adjusted that, in case a quorum failed to vote, the sergeant-at-arms could bring absentees before the House until the clerk noted a sufficient number as present. The Senate reorganized its committees on December 30th. The most important question was the **Venezuelan Boundary Dispute.** During the year this difficulty between Great Britain and Venezuela, which was of fifty years' standing, was brought to "an acute stage" by what Venezuela claimed were encroachments on its border from the side of British Guiana. A long diplomatic correspondence between our Government and that of Great Britain on the question of our atti-

1 Senate, Rep. 43, Dem. 39, Independents 6. House, Rep. 248, Dem. 104, Independents and People's 7, vacant 1.

tude under the Monroe doctrine ended in the appointment of a commission to determine the true boundary line of Venezuela, and a declaration that any attempt on the part of Great Britain to exercise jurisdiction within such a line as determined would be regarded by the United States as a "willful aggression upon its rights and interests." This was considered at home and abroad as a threat of war and created great excitement. The correspondence was laid before Congress in a Presidential message dated December 17th. The war scare depressed the money markets and lowered the gold reserve ten millions in three weeks, and a new bond issue followed. Congress promptly appropriated funds for the commission, and abortive attempts were made at financial legislation. Equally vain were the efforts made by Congress to define the Monroe doctrine. The **Cuban Insurrection,** which had broken out in 1894, also attracted attention, and resolutions favoring the recognition of belligerent rights for the rebels passed both Houses. A concurrent resolution was passed urging the President to secure their rights to unoffending Christians and American citizens in Turkey; this was due to the outrages in Armenia. The navy appropriation bill provided for three new battle-ships. Congress adjourned on June 11th.

8. The Venezuelan boundary dispute was set-

tled without an appeal to arms by an agreement that, except in cases where fifty years' occupation had given title by prescription, all the territory in dispute should be submitted to arbitration. Simultaneously negotiations were opened for a general treaty of arbitration between the United States and Great Britain, and just before the close of the administration such a treaty was laid before the Senate; it failed of ratification. The claims of the **Canadian sealers** were adjusted under the award of the court on June 3d. Frequent efforts being made by civilians to furnish arms to the Cuban insurgents, the President announced and enforced a policy of strict neutrality. **Utah** was admitted to the Union by proclamation in January.

9. The political discussions of the year turned almost exclusively on the question of the free coinage of silver. When the **Republican National Convention** met in St. Louis on June 16th, the platform declared in favor of protection and reciprocity, and against free coinage, except by international agreement. Thirty-four opposing delegates withdrew. William McKinley of Ohio was nominated for President on the first ballot, and Garrett A. Hobart of New Jersey secured the nomination for Vice-President. The **Democratic National Convention** met in Chicago on July 7th. The great majority of the delegates favored free coinage, and a call for

that measure was embodied in the platform. W. J. Bryan of Nebraska was nominated for President on the fifth ballot, and Arthur Sewall of Maine was nominated for Vice-President. Both parties incorporated other "planks" in their platform, but the only real issue in the election was the free coinage of silver. The **National Convention of the People's Party** met at St. Louis on July 22d, and after discussing a coalition with the Democrats, rejected Sewall's candidacy as that of a capitalist: they then nominated Thomas E. Watson of Georgia for Vice-President, and indorsed the nomination of Bryan for President. The platform was substantially that of the Democrats. The managers arranged for fusion with the Democrats on the election tickets, so that all votes for President should go to Bryan, three-fifths of those for Vice-President to Sewall, and the other two-fifths to Watson. In consequence of the platform adopted at Chicago, the so-called "sound-money" Democrats held a **Convention of the "National Democratic Party"** at Indianapolis on September 2d, declared for a single gold standard of monetary measure, and unanimously nominated J. M. Palmer of Illinois and S. B. Buckner of Kentucky for President and Vice-President respectively. The **Prohibition National Convention** met at Pittsburgh on May 2d, and nominated as its candidates Joshua

Levering of Maryland and Hale Johnson of Illinois. There was a discussion as to approving free coinage, which resulted in a division, and the minority nominated Charles E. Bentley of Nebraska for President and J. H. Southgate of North Carolina for Vice-President. The **Socialist Labor Party** met at New York on July 9th, and nominated Charles H. Matchett of New York for President, with Matthew Maguire of New Jersey for Vice-President. The ensuing campaign was conducted amid great excitement as a campaign of education. The election resulted in the success of the Republicans by a majority of 95 in the Electoral College.

10. The Second Session of the Fifty-fourth **LIVth Congress, 2d Session.** Congress opened on December 7th. The President's message called attention to our **Relations with Spain and Cuba,** indicating that the nature of the struggle might eventually compel us to overlook our obligations to Spain for the sake of higher ones. This tempted the friends of Cuba to force an issue in Congress, but the effort was fruitless. There was little legislation of the first importance, even the appropriation bills failed to pass in their entirety. This was due to the determination of McKinley, which was well known, to call an extra session of the next Congress as soon as possible after his inauguration. An Immigration Bill passed both

Houses, but was vetoed by the President. The Nicaragua Canal Bill was withdrawn. Congress adjourned on March 4th, and McKinley and Hobart were sworn into office.

CHAPTER XXIX.

TWENTY-EIGHTH ADMINISTRATION, 1897–1901.

William McKinley, President. Garret A. Hobart, Vice-President.[1]

Popular vote for President in 1896: *Rep.* 7,104,779, *Dem.* 6,502,925 (inclusive of the Populist and Silver Republican vote cast for Bryan). *Nat. Dem.* 133,148, *Prohib.* 132,007.

LVth Congress, Extra Session.

1. THROUGHOUT the Presidential Campaign of 1896, although the main issue was the free coinage of silver, the Republicans had insisted that the impairment of the National credit had been largely due to the inadequacy of the Government's revenue. Partly with a view to securing more revenue, and partly with a view to filling up the breaches which the Wilson Tariff Bill of 1894 had made in the protective system, an extra session of Congress was called by President McKinley shortly after his Inauguration. On March 15th, 1897, Congress assembled. T. B. Reed of Maine was elected Speaker, and immediately there

[1] Died November 21, 1899.

was introduced into the House a tariff measure by Mr. Dingley, chairman of the Committee on Ways and Means. The Bill in question had been elaborated since the early part of the previous December by Mr. Dingley and his party associates, and after a brief debate it was passed by the House. In the Senate many Amendments were added, and after the House and Senate had adjusted their differences with regard to the measure it became law; receiving the approval of the President on July 24th. **The Dingley Bill** reimposed a duty upon wool, and restored very generally the protective character of the tariff, although setting rates less high than those of the McKinley Bill of 1890. The complexion of the Senate precluded as yet any move along the line of currency legislation unfavorable to silver.[1]

2. The **War with Spain** absorbed the greater part of the attention of Congress, when it again convened December 6th, 1897. For the time being, the previous political issues were overshadowed in importance by various considerations affecting our foreign policy. The conflict with Spain was due to our desire to end the intoler-

LVth Congress, 1st Session.

1. In this Congress there were in the Senate 46 Republicans, 34 Democrats, 5 Populists, 2 Silver Party Senators, and 3 Independents. A majority of the Senate, however, was in favor of the free coinage of silver. In the House there were 206 Republicans, 134 Democrats, and 16 Populists. There was a large majority in the House against free silver coinage.

able situation in Cuba. The insurrection against Spain had continued for several years, and was manifestly beyond the power of Spain to subdue. The insurgent Cubans were distrustful of all Spanish promises of self-government for Cuba. The methods of warfare on both the part of Spain and the insurgents were often inhuman, and the island was being depopulated and its industry was being destroyed. When relations between Spain and the United States were already critical, there occurred on February 15th, 1898, in Havana harbor the explosion which destroyed **the Maine.** A board of inquiry appointed by the President reported on March 21st that the loss of the Maine was due to a submarine mine. Matters were now rapidly drifting beyond the restraining power of diplomacy. The President was anxious to avoid war, but the rising temper of Congress was unmistakable. On April 11th the President sent a message to Congress, asking authority to intervene by force and put an end to the hostilities in Cuba. This authority was speedily accorded him by congressional resolutions which asserted that the people of Cuba "are and of right ought to be free and independent." To these resolutions was appended a self-denying ordinance whereby the United States disclaimed any intention of "exercising sovereignty, jurisdiction or control" over Cuba "except for the pacification thereof."

Inasmuch as Spain declined to resign her sovereignty over the island, war was inevitable; and on April 25th Congress passed a resolution reciting that a State of War had existed since April 21st. On April 26th the **War Revenue Act** was reported in the House by Mr. Dingley. This Act, which became law on June 13th, increased the existing internal revenue taxes and levied new taxes, many of which required the use of revenue stamps. It also accorded power to the Government to sell bonds, in order to obtain money for extraordinary war expenses.

3. **Questions of Foreign Policy** were rapidly pushed to the front as the result of the war. The battles of Manila Bay (May 1st) and Santiago (July 3d) had practically determined the conflict, and left us in virtual military control of Spain's colonial possessions. On July 7th the President approved the resolution providing for the **Annexation of Hawaii** which, on August 12th, passed formally into the possession of the United States. The importance of an isthmian canal was emphasized by the war, and by the rapid growth of American interests in the Pacific.

LVth Congress, 2d Session.

4. The last session of the Fifty-fifth Congress began on December 5th, 1898. The situation confronting it was such that party lines were at first somewhat uncertainly drawn. Cuba was under our military control, and there was no other sub-

stantive government in the island. Porto Rico had also been occupied by our troops. In the Philippine Islands our troops had effected a lodgment, and held the city of Manila. The Filipino army under Aguinaldo had made independence their aim, and friction had already developed between them and the American troops. The President in his annual message to Congress advocated our helping the Cubans to set up a government for themselves, but contented himself with postponing the consideration of the form of government for the new possessions until the treaty of peace should be acted upon by the Senate. In the meantime the continuance of military rule under the President's direction was inevitable. In his message he also approved the isthmian canal project. By the terms of the treaty of peace Spain relinquished her claim to sovereignty over Cuba, ceded to the United States Porto Rico and the Philippines, and was to receive from the United States as a *solatium* $20,000,000. The treaty was ratified by the Senate February 6th, 1899, but the constitutional two-thirds majority required for ratification was not forthcoming until shortly before the vote was taken. The treaty was opposed on the ground that it committed the United States to **a Colonial Policy** of governing distant lands and peoples, which could never, or only with extreme danger, be admitted as constituent

States of the Union. As early as February 27th, a caucus of the Democratic members of the House declared against a "colonial policy." Other leaders of that party advocated the ratification of the treaty on the ground that it would put an end to the war. They proposed that, as soon as a stable government existed in the Philippines, the islands should be recognized as free and independent. The Republicans generally, but not unanimously, supported the treaty. **The Ratification of the Treaty** committed the United States to the temporary retention of the islands, and the hostilities between our troops and the followers of Aguinaldo made necessary in the Philippines a military government, under the control of the President as commander-in-chief. The impetus which the expansion policy had received was reflected in the appointment of a second commission to investigate the cost and most feasible route for an isthmian canal. Various other commissions were appointed by the President to investigate and report upon conditions in our new possessions, notably in the Philippines.

5. The **Fifty-sixth Congress** met December 4th, 1899. Both branches continued Republican, but in the Senate the majority in favor of free silver coinage had disappeared. In the House, where the Republican majority was somewhat less than

LVIth Congress, 1st Session.

in the previous Congress, David B. Henderson of Iowa was elected Speaker.[1] The President in his message urged legislation to strengthen the gold standard, recommended that aid be given by the Government to the merchant marine, advocated the establishment of a civil government for Porto Rico, and left the matter of a form of government in the Philippines to Congress, insisting only upon the necessity of first effectively suppressing resistance to the authority of the United States in those islands. On December 4th a currency Bill was introduced into the House, and was passed on December 18th. On February 15th, 1900, the Senate passed the bill with numerous amendments. The two Houses finally agreed upon a measure, which became law on March 14th. **The Currency Act of March 14th, 1900,** declared the gold dollar the standard unit of value[2] and decreed the parity of all kinds of money with gold. It provided a gold reserve of $150,000,000 for the redemption of legal-tender notes, and made mandatory bond sales to replenish the said reserve in case it should fall below $100,000,000. The Act also transmutes in

[1] In the Senate there were 52 Republicans, 26 Democrats, 4 Populists, 2 Silver Party Senators, 2 Independents. In the House there were 185 Republicans, 164 Democrats, 5 Populists, 3 Silver Party members.

[2] The Bimetallist Commission appointed by the President, April 14th, 1897, had made overtures to foreign governments, but the refusal of the Indian government to reopen their mints to the free coinage of silver had made any effective international action in favor of silver extremely dubious,

a gradual way the Treasury notes into silver certificates, and allowed National banks to be incorporated with as low a capital as $25,000 in places with less than 3000 inhabitants. The act also provided for re-funding the government bonds bearing three, four, and five per cent. interest into two per cent. bonds, and permitted the National banks to issue circulating notes up to the par value of the bonds deposited as security for the notes.

6. In January, 1900, **The Porto Rican Bill** was introduced into Congress, and on April 12th became law. This Act organized a civil government for the island, and levied for two years on the commerce between Porto Rico and the United States duties equal to fifteen per cent. of the ordinary customs duties levied on imports from foreign countries. The revenue thus raised was to be used exclusively for Porto Rico. The Democrats and some Republicans claimed that this measure was unconstitutional, inasmuch as the Constitution[1] provides that "all duties, imposts, and excises shall be uniform throughout the United States." Porto Rico, it was contended, was a part of the United States, and the Act in question levied on commerce between Porto Rico and other States duties not levied on interstate commerce generally. The supporters of the Act maintained that Porto Rico was *a possession, but not a part* of

[1] Art. I, Section VIII, § 1.

the United States, and insisted that the power conferred by the Constitution[1] upon Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States" made the Act in question constitutional.

7. In May the House passed a measure providing for the construction of an isthmian canal by way of Lake Nicaragua. In the Senate action was not taken on the measure, inasmuch as **the Hay-Pauncefote Treaty,** which had been signed February 5th, 1900, was before that body. By the Clayton-Bulwer Treaty (1850) the United States and Great Britain mutually bound themselves not to build or acquire alone without the other any isthmian canal in Central America, and agreed to control jointly any isthmian canal that might be there constructed, and to guarantee the neutrality of any such canal. The proposed Hay-Pauncefote Treaty relaxed the Clayton-Bulwer Treaty so far as to allow the United States alone by itself to build and control such a canal, but did not permit the United States to fortify the canal, nor to close it to the ships of a public enemy in time of war. In December the Senate amended the treaty in several respects, declaring that it superseded the Clayton-Bulwer treaty, and that the United States should have power to "take such measures as it

[1] Art. IV, Section III, § 2.

may find necessary for securing by its own forces the defense of the United States and the maintenance of public order." Great Britain refused to assent to the proposed amendments, and so the treaty failed.

8. Since the preceding Presidential election **a new set of issues** relating to our foreign policy had begun to agitate the public mind. The Hague Conference in the summer of 1899, initiated by the Czar of Russia, had assembled with the purpose of making war more difficult, its prosecution more humane, and resort to arbitration more easy. Whatever hopes of universal peace the Conference may have raised were in rude contrast to actual conditions in the Philippines, and in South Africa, where the Boer War was in progress. Moreover, the Boxer uprising in China, in 1900, and the dramatic expedition of the forces of the European powers and of the United States to rescue their besieged legations in Peking had greatly augmented popular interest in the Orient, and in foreign politics generally. At the same time the advocates of the **Free Coinage of Silver** were not disposed to accept the verdict of the election of 1896 as final, and were bent upon raising that issue again in the approaching Presidential campaign. The formation of numerous large consolidations of capital, popularly known as **Trusts**, was also watched with growing concern. **The Republi-**

can National Convention met on June 19th in Philadelphia, and renominated President McKinley for President, and named Theodore Roosevelt of New York for Vice-President. The platform made no mention of bimetallism, but declared for the gold standard. It advocated Federal aid for the shipping industry, and pronounced in favor of an isthmian canal to be constructed, owned, controlled, and protected by the Government. It approved the Administration's foreign policy, reiterating the Congressional pledge [1] of independence for Cuba, and promising to other "rescued peoples" the "largest measure of self-government consistent with their welfare and our duties." **The Democratic National Convention** assembled on July 4th at Kansas City, Mo. W. J. Bryan of Nebraska was again nominated for President, and Adlai E. Stevenson of Illinois was nominated for Vice-President. The platform declared **Imperialism** the paramount issue, denounced the longer military retention of Cuba, advocated a Territorial form of government for Porto Rico, and insisted that it was our duty in the Philippines, upon the establishment of a stable government, to withdraw our army, to recognize the islands as independent, and to protect them against foreign interference. The platform re-affirmed the doctrine of the free and

[1] See page 305.

unlimited coinage of silver, assailed trusts, and favored the Government's construction of an isthmian canal.[1] Inasmuch as both parties had denounced trusts, **Expansion,** or **Imperialism,** as the Democrats termed the foreign policy of the Administration, and **the Free Coinage of Silver,** were the pivotal issues. In the election (November 6th) the Republicans were successful, carrying States which cast in the Electoral College 292 votes to 155 for the opposing candidates.

9. The last session of the Fifty-sixth Congress

LVIth Congress, 2d Session.

Assembled on December 3d, 1900. There was promptly introduced a Bill for repealing some and reducing other of the war taxes levied by the Act of June 13th, 1898. This Bill became law March 2d, 1901.

10. The **Cuban Constitutional Convention,** which had been in session since the preceding December, was engaged in drawing up a frame of government to be submitted to the approval of the Cubans. Congress, by **the Platt[2] Amendment**

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[1] There were many other nominating conventions held prior to the election, but no candidate for President other than McKinley or Bryan obtained any electoral votes. The Gold Democrats who had nominated Palmer and Buckner in 1896 made no nominations in 1900, but declared the success of the regular Democratic nominees would imperil the safety of the currency. The Farmers' Alliance, the fusion wing of the Populists, the Silver Republicans, and the Anti-Imperialist League supported Bryan. Besides these parties, the Social Democracy, the Socialist Labor party, the Prohibitionists, the Union Reform Association, the United Christian party, and the middle-of-the-road wing of the Populists made independent nominations.

[2] So called after Senator Orville H. Platt of Conn., who offered it.

to the Army Appropriation Bill passed March 2d, 1901, virtually notified the Cuban Convention that our military control would not be relinquished until there were embodied in the Cuban Constitution, and in a treaty between the United States and Cuba, certain provisions which Congress held were necessary for the safety and welfare of both countries. By the conditions insisted upon the United States will acquire coaling and naval stations in Cuba, and also the right to intervene in Cuba to preserve Cuban Independence, and to maintain a Government in Cuba "adequate for the protection of life, property, and individual liberty." On the other hand, Cuba engages to make no treaty impairing Cuban Independence, to allow no foreign power to effect any lodgment on the island, and to assume no excessive public indebtedness. After some debate in the Convention these stipulations were inserted in the draft of the proposed constitution. Congress adjourned March 4th, 1901, and McKinley and Roosevelt were sworn into office.

CHAPTER XXX.

TWENTY-NINTH ADMINISTRATION, 1901–1905.

William McKinley, President. Theodore Roosevelt, Vice-President. LVIIth and LVIIIth Congresses.

Popular vote for President in 1900 : *Rep.* 7,215,696, *Dem.* 6,351,008, *Prohib.* 199,055, *Soc. Dem.* 83,010, *Soc. Labor*, 32,511, *Scattering*, 77,447.

1. **Assassination of McKinley.** For the third time in the history of the Republic the President was assassinated. On September 6th, while attending the Pan-American Exposition at Buffalo, N. Y., President McKinley was shot by an anarchist, and died on September 14th. Vice-President Roosevelt succeeded as President. The assassin was tried, convicted, and executed.

2. In May and again in December the Supreme Court rendered momentous **Decisions in the Insular Cases.** The acquisition by the United States of non-contiguous territory in Porto Rico and in the Philippines raised important questions of constitutional construction. The Constitution guarantees certain civil rights such

as trial by jury[1] in criminal prosecutions. These rights have been established by common usage among English-speaking peoples, but are by no means universal amongst the inhabitants of the new possessions. The question arose whether these constitutional guarantees extended automatically to the populations of our insular territories. Perplexity arose also in connection with the tariff and the new possessions. The tariff in force before the acquisition of the new dependencies levied customs duties upon imports from foreign countries. It was contended that by the cession to the United States of these territories, they ceased to be foreign countries, and that consequently goods imported from these territories were no longer subject to the regular tariff. The net outcome of the decisions was to give Congress a fairly free hand in legislating for the colonial possessions. The express prohibition upon Congress to tax exports from any state[2] does not prevent Congress from enacting any tariff whatsoever between the United States and its territories and possessions. The power conveyed to Congress "to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States"[3] is in-

[1] See Amendments to the Constitution, Art. VI.
[2] U. S. Constitution, Art. I, Sec. IX, 5.
[3] U. S. Constitution, Art. IV, Sec. III, 2.

terpreted to mean that the Federal Government has powers commensurate with the novel exigencies involved in the rule of a colonial empire.

3. Congress[1] assembled on December 2d, 1901. David B. Henderson, of Iowa, was elected Speaker of the House. William P. Frye, of Maine, was elected President of the Senate *pro tempore*, and on May 22d, 1902, Orville H. Platt, of Connecticut, was chosen acting President of the Senate *pro tempore*.

LVIIth Congress, 1st Session. On December 16th, the Senate ratified a treaty which had been negotiated with Great Britain. This treaty superseded the Clayton-Bulwer Treaty[2] (1850) by which the United States and Great Britain mutually agreed that neither would build nor acquire by itself any isthmian canal in Central America. The new treaty conceded that an **Isthmian Canal** might be constructed by the United States, and that the exclusive right of regulation and management of the canal might be exercised by the United States. The United States guarantees the neutralization of the canal, and agrees that it shall be open to all vessels

[1] The Republicans had a majority in both Senate and House. In the Senate there were 56 Republicans, 32 Democrats, and 2 vacancies; in the House there were 197 Republicans, 150 Democrats, and 9 Fusionists.

[2] See p. 321.

on equal terms. The treaty provides that the canal shall not be blockaded, and shall enjoy complete immunity from attack, and that no right of war or act of hostility shall be committed within it.

4. **The President's Message** urged upon Congress an extensive legislative programme. It echoed the wide-spread conviction that many of the so-called "Trusts" in certain of their features were hurtful to the general welfare, and required national control. It called for extensive appropriations for the navy. It urged the building of the isthmian canal in Central America, the re-enactment of a Chinese exclusion measure, the creation of a new executive department of Commerce and Labor, and emphasized the importance of governmental care for forestry and irrigation. In this message and a remarkable series of subsequent messages, the President assumed the rôle of a promoter of legislation to a greater extent than had been done previously.

5. Congress in general responded to the presidential initiative. By Act approved March 8th, 1902, a tariff for the Philippines was established. This provided that all imports into the United States from those islands should pay the same rates of duty as were imposed upon similar imports from foreign countries, except that where the imports were "the growth and product of

the Philippine Archipelago" they should pay only 75 per cent. of the usual rates of customs duties. Moreover all customs duties levied under this law, either in the Philippines or in the continental ports of the United States, are paid into the Philippine treasury.[1] On April 29th, 1902, there went into effect a Chinese exclusion law which sharpened the severity of previous prohibitions by extending the interdict upon Chinese immigration to the insular possessions of the United States. The first military occupation of Cuba by the United States ended May 20th, 1902, when President Palma became president of the Cuban republic. **The Construction of the Isthmian Canal** was sanctioned by Congress by an act signed by the President on June 28th, 1902. This measure appropriated $40,000,000 to acquire the property of the French Panama Canal company. It empowered the President to acquire from Colombia a strip of land sufficient for constructing a canal; or failing to obtain the land from Colombia, to acquire from Nicaragua and Costa Rica the necessary territory for a canal by an alternative route. The law provided for the appointment of a commission to carry on

[1] As early as July 25th, 1901, President McKinley by proclamation had taken cognizance of the establishment in Porto Rico of a system of local taxation which provided for the support of the government of the island. Thereafter, according to an Act approved April 12th, 1900, customs duties between Porto Rico and the United States ceased to be levied.

the work of construction, and appropriated money and authorized the issue of bonds for the prosecution of the project. The establishment of **Civil Government for the Philippines** was consummated by Act of July 1st, 1902. The general administrative framework created by the Philippine Commission, originally constituted by President McKinley under his powers as commander-in-chief of the army and the navy, was made permanent. There are four executive departments, viz.: Interior, Commerce and Police, Finance and Justice, and Public Instruction, under the headship of the Civil Governor. The posts of Civil Governor and Vice-Governor, places upon the Philippine Commission, and the highest judgeships are hereafter to be filled by Presidential appointees confirmed by the Senate. Most of the civil rights incorporated in the United States Constitution are extended to the Philippines. Two years after the taking of a census, provided peace prevailed, a representative assembly was to be elected. This Assembly, with the Philippine Commission as an upper house, constitutes the legislature. Should the legislature fail to pass the budget in time, the appropriations of the previous year stand in force. Appeals lie from the Supreme Court of the Philippines to the Supreme Court of the United States. Careful provisions were also made for perfecting land-titles, for guarding the grants

of franchises to private corporations, and for bond issues to acquire the lands held by religious orders, and to provide for municipal improvements.

6. On July 1st, 1902, Congress adjourned. The main issue in the elections for Congress in the fall was the character of the military subjugation of the Philippines. The Democrats charged the army with various atrocities, while the Republicans defended the general policy of the administration in the islands. The voters apparently had a rather slight interest in matters affecting our policy in Cuba or in the Philippines, but showed an interest in the regulation of trusts and in the tariff. The Republican majority was somewhat diminished in the newly elected House of Representatives.[1]

7. Congress met on December 1st, 1902. The **LVIIth Congress, 2d Session.** most important legislation related to the **Regulation of Industrial Corporations.** In response to the President's insistence Congress passed an act to expedite suits against parties charged with violating the Interstate Commerce law[2] or the law prohibiting monopoly in interstate or foreign commerce. In line with this policy was the new law passed to make more effective the

[1] The House contained, Republicans, 208; Democrats, 178.

[2] See p. 272.

existing prohibition upon railway rebates. Railroad corporations were explicitly prohibited from making any departure from their published rates, and were rendered subject to heavy fines in case they violated the law. It was similarly made illegal for any person, carrier or shipper, to solicit, offer, give, or accept any illegal rate for transportation. The former penalty of imprisonment which was thought to deter juries from convicting accused parties who had acted primarily in others' interests was changed into heavy fines, and legal process to obtain incriminating evidence was established.

8. Quite in keeping with this legislative policy was the establishment by law, approved February 14th, 1903, of the **Department of Commerce and Labor.** This new executive department has at its head the Secretary of Commerce and Labor, who is appointed by the President. The Secretary is a member of the President's Cabinet. Various bureaus, such as the Census Office, are put under the control of this new department. Most important of all is the institution in the department of a Bureau of Corporations with a Commissioner of Corporations at its head. The powers conferred upon the Commissioner are those of inquiry into the management of industrial corporations, other than common carriers, engaged in interstate or foreign commerce.

LVIIIth Congress, 1st Session, 2d Session.

9. **Reciprocity with Cuba** had been repeatedly urged upon Congress by the President. The first session of Congress convened on November 9th, 1903. William P. Frye, of Maine, was elected president of the Senate *pro tempore*, and Joseph G. Cannon, of Illinois, was elected Speaker of the House. This session terminated December 7th, and the second session began on the same day. On December 17th, the President approved an Act which effected a reciprocity arrangement with Cuba in accordance with a convention which had been negotiated with Cuba over a year before. This measure provides that imports into the United States of Cuban products shall enjoy 20 per cent. reduction from the regular tariff rates. In return, Cuba allows to certain specified goods imported into Cuba from the United States a reduction from the regular tariff rates varying from 20 per cent. to 40 per cent. The arrangement was concluded for a term of five years, with provisions for its continuation thereafter if mutually agreeable.

10. The second session of Congress adjourned on April 28th, 1904, but not until after provision had been made by law for the government of the canal zone and the prosecution of the work of building the canal. **The Recognition of the Panama Republic** by the President on No-

vember 6th, 1903, while hastening the beginning of the canal construction, threatened for a time to become an issue in national politics. Prior to the recognition of the new republic of Panama the United States had been negotiating with Colombia for a strip of land on which to build the canal. The canal treaty which had been negotiated with Colombia and ratified by the Senate was rejected by Colombia September 14th, 1903. By existing treaty the United States guaranteed the neutrality of the isthmus and also "the rights of sovereignty and property" which Colombia possessed over "the said territory." Panama was a part of Colombia, but on November 3rd declared its independence. Colombia prepared to crush the revolting state. The United States forces in the isthmus were instructed not to allow the Colombian or the Panamese forces to approach within fifty miles of the tract intended for the canal. This order and the almost immediate recognition by the United States of the independence of the new state practically prevented Colombia from subjugating the revolting republic. A treaty was concluded with Panama by which the United States purchased the requisite rights over the strip of land needed for the canal. When the ratification of the treaty was under discussion in the Senate, the Democrats, instead of presenting a united opposition to the treaty, split into two sections, fourteen voting for ratifica-

tion and fourteen against. An amendment was offered to compensate Colombia for its loss of territory in Panama. This was generally supported by the Democratic Senators, but failed to carry. Thus the treaty with Panama was ratified on February 23rd, 1904, and was declared in force by proclamation three days later. The opponents of the President charged him with the responsibility for an act of war against Colombia, and with bad faith towards that nation in the speedy recognition of the revolting republic. His defense was rested on the obligation of the United States to preserve the neutrality of the isthmus and upon the practical exigencies that made canal construction imperative.

11. The **Republican National Convention** met at Chicago on June 21st, and nominated Theodore Roosevelt, of New York, and Charles W. Fairbanks, of Indiana, for President and Vice-President respectively. The platform endorsed the policy of the Administration both foreign and domestic; declared that "the measure of protection should always at least equal the difference in the cost of production at home and abroad"; and reaffirmed the party's adherence to the gold standard.

The **Democratic National Convention** assembled at St. Louis on July 6th. Alton B. Parker, of New York, was nominated for President, and Henry G. Davis, of West Virginia, for

Vice-President. In the two preceding presidential campaigns the Democratic platform had declared in favor of the free coinage of silver. The platform finally adopted at St. Louis was silent upon the question. Before the convention had adjourned, however, the nominee for President informed that body that he regarded "the gold standard as firmly and irrevocably established," and that only upon that understanding would he accept the nomination. The convention replied that the candidate's views on the gold standard would not preclude his acceptance of the nomination upon the platform that had been adopted. Thus the question of the monetary standard was eliminated from the issues of the campaign. The Democratic platform assailed the Administration's colonial policy, and demanded that we should act in the Philippines as we had done in Cuba,—establish a government, withdraw our forces, and protect the Philippines against foreign encroachments. It declared in favor of a revision and gradual reduction of the tariff until it conformed to its constitutional purpose of affording revenue for the support of the Government. It denounced what was termed "executive usurpation" on the part of the President.

The radical wing of the Democratic party which had supported the free coinage of silver was largely alienated by the nomination of Judge Parker. The issue which was emphasized at the

outset of the campaign was the **Curbing of the Illegal Powers of the Trusts.** But neither side seemed to have any particular advantage in this regard, and eventually the Democratic attack was concentrated upon the alleged dangers of executive usurpation should the Republican candidate be elected. His Administration was declared to have been "spasmodic, erratic, sensational, spectacular, and arbitrary." The result of the election was a great triumph for the Republican candidate, whose personality had seemingly won the popular favor. His popular majority was unprecedentedly large, over 2,500,000 out of a total vote of over 13,500,000. Of the electoral vote Roosevelt and Fairbanks received 336 to 140 for Parker and Davis.

LVIIIth Congress, 3d Session.

12. The last session of the Fifty-eighth Congress convened December 5th, 1904, and adjourned March 4th, 1905. Its time was chiefly occupied with a variety of measures relating to domestic administration, but for the most part not controversial from a political standpoint. The President's policy of **Conserving the Natural Resources** of the nation was advanced by the enactment of a measure approved February 1st, 1905, putting the national forest reserves under the control of the Department of Agriculture.

Growing **Antagonism between the President and the Senate** became manifest. It

centered chiefly over matters of foreign policy. The President had negotiated in February a protocol with Santo Domingo whereby the Dominican customs were to be collected by agents designated by the President. Part of the revenues thus collected were to be turned over to the Dominican Government to pay the Government's running expenses. The remainder was to be paid over to certain foreign creditors of Santo Domingo. When this protocol, or treaty, was submitted to the Senate for ratification, the President explained his conception of our duties under the **Monroe Doctrine.** That rule of our foreign policy, he declared, will not permit us to acquiesce in the permanent occupation of the territory of states in the western hemisphere by European nations. On the other hand temporary occupation of such territory by foreign powers is sometimes prompted by their desire to secure the just claims of their subjects. The President insisted that the duty devolved upon the United States to see that the just claims of foreign creditors of backward states in this hemisphere are met. The arrangement with Santo Domingo had been based upon this principle. The Senate deferred its ratification of the treaty.[1] Another cause of difference between the President and the Senate was due to the Senate's amendment of the **Arbi-**

[1] See page 337.

tration Treaties. Arbitration treaties had been concluded with Great Britain, Germany, and other countries. The treaties provided that if international differences arose which could not be settled by diplomacy, reference of the dispute should be made to the Permanent Court of Arbitration at The Hague. But in such cases each nation was to make a special agreement with its opponent as to the exact limits of the matters to be referred to arbitration. The Senate amended the treaties by inserting the word "treaty" for "agreement." The effect of the change was to prevent resort to arbitration by the United States unless the Senate had first ratified the "treaty" which delimited the subject-matter to be arbitrated. The Senate defended its action inasmuch as the Senate is a part of the treaty-making power under the Constitution. The President refused to accept the Senate's alteration of the arbitration treaties, claiming that this alteration hindered resort to arbitration of national differences.

CHAPTER XXXI.

THIRTIETH ADMINISTRATION, 1905–1909.

Theodore Roosevelt, President. Charles W. Fairbanks, Vice-President.
LIXth and LXth Congresses.

Popular vote for President in 1904: *Rep.* 7,621,407, *Dem.* 5,079,704, *Soc.* 402,321, *Prohib.* 258,550, *Populist* 113,259, *Soc. Labor*, 33,460.

1. The four years of this Administration were chiefly characterized by **Executive Initiative** in urging legislation upon Congress, in devising new administrative policies, both foreign and domestic, and in frequent popular addresses hortatory in character and often ethical rather than political in tone. The Republicans still held an overwhelming majority in both houses of Congress.[1] Consequently interest centered rather about the policies of the President than about traditional party issues. The President held pronounced views upon the duty of the Federal Government to extend its activities into many fields. The national regulation of trusts, of railroads, and of other industries appealed to the

[1] Senate, Republicans, 57; Democrats, 33; House, Republicans, 248; Democrats, 136; 2 vacancies.

same type of men in both parties, while the conservatively inclined element in both parties was often alarmed at the innovations the President instituted or proposed.

2. The President's prestige was greatly enhanced by his success in persuading Russia and Japan to conclude in the Summer of 1905 the Treaty of Portsmouth, the first important treaty affecting foreign powers ever negotiated on this continent. Moreover the President's policy of **Federal Control over Industrial Organization** was kept prominently before the public mind by grave disclosures of corporate mismanagement in connection with certain great insurance companies. These irregularities occupied public attention for the better part of the year, so that when Congress assembled on December 4th, 1905, the President's Message advocating measures of Federal control found effective support both in Congress and throughout the country. Joseph G. Cannon, of Illinois, was re-elected Speaker of the House of Representatives. Not until shortly before the adjournment of the session, on June 30th, 1906, was the President's policy of industrial regulation embodied in the statutes. The most important instances of the adoption of the new policy were as follows: making common carriers of interstate commerce liable for the death or injury of their employees without plead-

LIXth Congress, 1st Session.

ing the contributory negligence of the employees as an effective bar to suits for damages; the meat inspection law, whereby the slaughtering or preparing meats to be shipped over state lines was subjected to the inspection of agents of the Department of Agriculture; the **Pure Food Law**, which forbade misbranding and adulteration of foods, and **Railroad Rate Regulation.** This last measure was the most important of all. It amended the Interstate Commerce Act,[1] enlarging the powers of the Commission. This body now has power to prescribe the maximum rates and terminal charges that a carrier may exact, and judicial hearings of the Commission's petitions to the Federal Courts to enforce the Commission's orders are expedited. It has power to prescribe the forms in which common carriers must keep their accounts, and to inquire minutely into the methods of conducting business employed by the railroads. The penalties against rebates are sharpened; and express companies, sleeping car companies, and oil pipe lines are brought under the Commission's jurisdiction. At this session Congress continued the enlargement of the navy, and determined upon a lock type of canal for Panama.

3. The elections for Congress in the fall of 1906 changed only to a slight degree the Repub-

[1] Page 284.

lican majority in that body.[1] Interest in politics centered largely upon the gubernatorial election in New York State. Here William R. Hearst, a radical assailant of certain large industrial corporations and of the machine politics allied therewith, had captured the Democratic nomination. The Republicans were impelled by the spirit of discontent aroused by the disclosure of corrupt corporation practices[2] to nominate Charles E. Hughes.[3] The President actively intervened to support the candidacy of the Republican candidate. The radical element of both parties drifted towards the Democratic nominee, but was more than offset by the drift of conservative Democrats to the Republican candidate, who was elected by a small majority over his opponent.

4. Before the assembling of Congress international difficulties had arisen in two directions. The imminence of grave disorder in Cuba had led in September to the **Military Occupation of Cuba**[4] for the second time, and to the establishment of a provisional government under American rule.

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[1] The Senate after the admission of Oklahoma contained 61 Republicans and 31 Democrats. The House was composed of 219 Republicans and 172 Democrats.

[2] See page 332.

[3] He had conducted the investigation which brought the abuses to light.

[4] See Platt Amendment, page 315. The troops were withdrawn February 1st, 1909, and for a second time the Cuban Republic undertook the government of the country.

In San Francisco restrictions had been imposed upon Japanese children attending the public schools. This occasioned great offense in Japan, and led to diplomatic protests on the part of the Japanese ambassador. The Administration finally prevailed upon the local authorities to modify the order which had caused the trouble; and Japan in turn indicated a willingness to give more careful scrutiny to the passports of Japanese coming to the United States.

5. In August a part of a battalion of colored troops stationed at Brownsville, Texas, had been implicated in grave disorders at that place. Failing to discover the guilty parties, the President disbanded the entire battalion "without honor." This action of his was seized upon by his opponents in the Senate as a ground of opposition to his administration.

LIXth Congress, 2d Session.

Congress convened on December 3d, 1906. The President's annual message was largely occupied with proposals of legislation which he deemed necessary to secure the industrial future of the nation. Both in his frequent messages and in his public speeches the President emphasized his belief that "the Government should not conduct the business of the nation, . . . but should exercise such supervision as will insure its being conducted in the interest of the nation." Among the specific measures which he urged upon Congress were a

national license law by which the Federal Government might secure control over great corporations; a graduated income tax and a graduated inheritance tax, both to be imposed by the Federal Government, whenever the national taxing system was revised; an employers' liability law; the prohibition of child labor in the territories and in the District of Columbia; the limitation of the power of courts to issue injunctions in labor disputes; prohibition upon corporations to contribute to campaign funds; and a limitation of working hours of employees upon railroads. The President also urged a law providing for Japanese naturalization, and specific legislation to enforce treaty stipulations upon State authorities.

6. Of these measures several became law. All corporations holding Federal charters, including all National Bank Associations, were prohibited from contributing money in connection with any election to any political office. Furthermore all corporations whatever were prohibited from making any money contributions in connection with elections to any Federal office. The hours of service for railroad employees were also limited by law. Sixteen consecutive hours was made the maximum limit, with requirement for ten hours consecutive rest thereafter. The maximum limit for train dispatchers was set at nine hours out of any twenty-four. About this time

many of the State legislatures also passed Acts which lowered railroad rates and otherwise sought to control common carriers. The Senate accorded a tardy assent to the Dominican convention [1] on February 25th, and on March 4th Congress adjourned.

The President had become the universally acknowledged exponent of a policy of **Industrial Regulation.** Political interest was focused upon him to an almost unparalleled degree. His espousal of what was termed a drastic policy of regulation of industry quite altered the conventional lines of party cleavage. In his own party the more conservative members were often found in opposition to the President. In his public utterances he was equally unsparing to "sinister anarchistic leaders" who would foment class envy, and to "predatory capitalists" who were often singled out for castigation.

7. The announcement in the summer that the fleet of battleships would be sent to the Pacific created much excitement. They departed on their long practice cruise around the globe on December 16th. In July the first election for Assembly was held in the Philippines.[2] The severe restrictions upon the suffrage allow only a very small proportion of the total population to

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[1] See page 329.
[2] See page 321.

vote. ¶ On November 16th, **Oklahoma**[1] was admitted as the forty-sixth State of the Union.

8. In October a severe **Industrial Crisis** began with the failure of a trust company in New York City. Runs upon banks by frightened depositors were frequent. Eventually banks in many of the cities were compelled to issue substitutes for money,[2] and a general **Suspension of Cash Payments** began and continued for some weeks. The President's opponents charged him with having precipitated or even caused the crisis by affrighting capitalists by his radical policies. Some of the President's supporters retorted by charging the panic to a conspiracy of wealthy men who of set purpose chose this means of discrediting the President's policy. Others attributed the commercial collapse to over-speculation and reckless investment.

9. Congress assembled on December 2d, 1907. **LXth Congress, 1st Session.** William P. Frye, of Maine, was elected president *pro tem.* of the Senate, and Joseph G. Cannon, of Illinois, was again elected Speaker of the House. The President in his first Message recommended various measures in line with his policy of Federal regulation of industry, particularly control over

[1] The new state comprises the inhabitants of Oklahoma territory and the Indian territory. Its Constitution is very voluminous.

[2] Clearing house certificates.

corporations, and Federal graduated inheritance and income taxes. The industrial crisis led him to suggest making the currency more elastic in times of stress. In defense of his policy he declared that "a few years ago there was a loud complaint that the law could not be invoked against wealthy offenders. There is no such complaint now."

10. Congress did not accede in any great measure to the President's suggestions. It did, however, reënact the Carriers' Liability law.[1] It accorded two of the four new battleships whose construction the President had asked; and it eventually passed a law to provide for elasticity in the currency. But it declined to exempt trades unions (in case they declared a boycott against business firms) from liability under the Sherman Anti-monopoly law;[2] and it declined to delimit the powers of courts to issue injunctions or restraining orders against trades unions. It also omitted to provide for various projects for conserving national resources or for internal improvements, such as waterways. The overhaul-

[1] See page 332. The previous Act had been declared unconstitutional by the Supreme Court. The new measure was so drafted as to avoid the constitutional difficulties which the earlier Act involved.

[2] The Supreme Court in the case of Loewe *vs.* Lawlor, generally known as the Danbury Hatters' case, had decided that a boycott by a trades union was a conspiracy in restraint of trade, and punishable under the Sherman law.

ing of the tariff had been deferred by general consent among the Republicans until after the approaching Presidential election.

11. **The Aldrich-Vreeland Currency Bill**[1] became law on May 30th, 1908. It aimed to provide additional note circulation in an emergency such as the crisis of the previous year. It provides that national banks in the same locality may form "national currency associations." A bank that belongs to such an association may deposit with the association's officers approved securities (including commercial paper) or certain specified public bonds. In behalf of the depositing bank the association may request the Comptroller of Currency to issue to such a bank circulating bank-notes equal to 75 per cent. of the market value of the securities, or equal to 90 per cent. of the market value of the bonds. With the assent of the Secretary of the Treasury such additional notes for circulation may be issued to the bank in question. The securities or bonds deposited by the bank are held by the association in trust for the United States, and may be sold, if need requires, to redeem the circulating notes. All the banks in the association become jointly and individually liable for the redemption of the notes. The Act also provides that an individual

[1] So called because it was a blend of measures proposed by Mr. Vreeland in the House and Mr. Aldrich in the Senate.

National Bank may deposit, with the Treasurer of the United States, bonds other than United States Bonds, and apply to the Comptroller of the Currency for additional circulating notes equal to 90 per cent. of the market value of the bonds. With the assent of the Secretary of the Treasury, the Comptroller may issue such additional notes to the bank in question. In all cases where the note circulation is issued to a bank upon some other security than United States bonds a tax upon such circulating notes is imposed sufficiently heavy to induce the bank to retire such additional circulation when the emergency that occasioned the need for more currency has passed.

12. Various **Arbitration Treaties** were ratified by the Senate at this session. They provide for referring to the Permanent Court of Arbitration at The Hague disputes which cannot be settled by diplomacy, provided the points in dispute "do not affect the vital interests, the independence, or the honor" of the two states, or do not concern the interests of third parties. A previous agreement must be concluded between the two states as to the matter to be arbitrated. This previous agreement must be ratified by both the Senate and the President. Great Britain stipulates also that before concluding such an agreement affecting the interests of a self-governing Dominion like Canada, it may obtain the concurrence of that Dominion. The conclusion of an

arbitration treaty with Japan marked a step towards the re-establishment of more friendly relations with that empire.[1] [2]

13. **The Presidential Campaign** was formally inaugurated by the opening of the National Republican Convention at Chicago on June 16th. William H. Taft, of Ohio, who had been Secretary of War in President Roosevelt's cabinet, was nominated for President, and James S. Sherman, of New York, for Vice-President. The platform declared for a prompt revision of the tariff in accordance with the idea of protection, imposing "such duties as will equal the difference between the cost of production at home and abroad, with a reasonable profit." It also declared for the establishment of maximum and minimum rates of customs duties, the maximum to meet discrimination against American exports to foreign markets, the minimum "to represent the normal measure of Protection at home."

The National Democratic Convention assembled at Denver on July 7th. William J. Bryan, of Nebraska, and John W. Kern, of Indiana, were nominated for President and Vice-President re-

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[1] See page 335.

[2] Grave complications with Venezuela were threatened for a time. The United States Government was ready to allow the Dutch Government to employ force against Venezuela, provided the Dutch did not occupy Venezuelan territory. A revolution in that country, however, removed the cause of difficulty, and friendly relations were resumed.

spectively. The platform insisted that tariff revision could be safely entrusted only to the Democratic party; it charged the Administration with extravagance in expenditures, and with creating an unnecessarily large number of new public offices. It declared in favor of a Federal income tax; for the exclusion from the United States of all Asiatics; and for tempering the powers of courts to issue injunctions in labor disputes. The attitude of the two parties in the matter of limiting the injunctive powers of courts came nearest to a campaign issue. The Republican candidate opposed the curtailment of judicial powers in the matter of injunctions. The election resulted in the election of the Republican candidates, who received 321 electoral votes against 162 for their opponents.[1]

LXth Congress, 2d Session.

The second session of Congress assembled December 7th, 1908. The President in his last annual Message again recommended various additional measures of governmental control over industry. Congress was greatly incensed at a portion of a Message which commented upon Congressional action limiting the uses to which the Secret Service agents might be put. The President's lan-

[1] The popular vote was as follows: Rep. 7,677,544, Dem. 6,405,707, Soc. 420,464, Prohib. 251,660, Soc. Labor 14,021, Pop. 29,108, Independent 83,628. In the newly elected House of Representatives there were, Rep. 219; Dem. 172.

guage was interpreted to mean that Congressmen "did not themselves wish to be investigated by the Secret Service men" for fear of being detected in illegal acts. Besides the passage of the usual appropriation bills, little of note was done at this session. Congress did, however, create a military Court of Inquiry, empowered to investigate the Brownsville case.[1] Such members of the dismissed battalion as were found qualified for re-inlistment were reinstated in the army. On March 4th, 1909, Congress adjourned, and Taft and Sherman were sworn into office.

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[1] See page 335.

APPENDICES.

APPENDIX A.

Articles of Confederation.

Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I.—The style of this Confederacy shall be, "The United States of America."

ARTICLE II.—Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

ARTICLE III.—The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ARTICLE IV.—The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enioy therein all the privileges of trade and commerce subject to the same duties, impositions and restrictions as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction shall be laid by any State on the property of the United States or either of them. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense. Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V.—For the more convenient management of the general interests of the United

States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year. No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or another for his benefit, receives any salary, fees, or emolument of any kind. Each State shall maintain its own delegates in any meeting of the States and while they act as members of the Committee of the States. In determining questions in the United States in Congress assembled, each State shall have one vote. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonment during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ARTICLE VI.—No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from,

or enter into any conference, agreement, alliance, or treaty with any king, prince, or state ; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state ; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defense of such State or its trade, nor shall any body of forces be kept up by any State in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State ; but every State shall always keep up a

well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use in public stores a due number of field-pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ARTICLE VII.—When land forces are raised by any State for the common defense, all officers of or under the rank of Colonel shall be appointed by the Legislature of each State respectively by whom

such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII.—All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ARTICLE IX.—The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from

prohibiting the exportation or importation of any species of goods or commodities whatever; of establishing rules for deciding, in all cases, what captures on land and water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing

and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged

among the acts of Congress for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands and the State which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States, in Congress assembled, shall also have the sole and conclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the

Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "A Committee of the States," and to consist of one delegate from each State, and to appoint such other committes and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit

of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number can not be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time

agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, ailiances, or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate;

and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ARTICLE X.—The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States as assembled is requisite.

ARTICLE XI.—Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to, all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ARTICLE XII.—All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.—Every State shall abide by the

determination of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

And whereas it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said Articles of Confederation and perpetual Union, know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof, we have hereunto set our hands in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord 1778, and in the third year of the Independence of America.

APPENDIX B

Constitution of the United States of America.

Preamble.[1]

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Article I. Legislative Department.

Section I. Congress in General.[2]

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section II. House of Representatives.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in

1 Compare the Preamble with Confederation Articles I and III.
2 Compare Article I, §§ I-VII with Confed Article V.

each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Section III. Senate.

1. The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof for six years, and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section IV. Both Houses.

1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing senators.

2. The Congress shall assemble at least once in

every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section V. The Houses Separately.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section VI. Disabilities of Members.

1. The senators and representatives shall receive a compensation for their services, to be ascertained

by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Section VII. Mode of Passing Laws.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such recon-

sideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section VIII. Powers granted to Congress.[1]

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the com-

1 Compare §§ VIII and IX with Confed. Art. IX; clause 1 of § VIII with Confed. Art. VIII; and clause 12 of § VIII with Confed. Art. VII.

mon defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies; but no appro-

priation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section IX. Powers denied to the United States.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder, or ex post facto law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the

United States ; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section X. Powers denied to the States.[1]

1. No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex-post-facto* law, or law impairing the obligation of contracts ; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded,

1 Compare Article I, § X, with Confed. Art. VI.

or in such imminent danger as will not admit of delay.

Article II. Executive Department.[1]

Section I. President and Vice-President.

1. The executive power shall be vested in a President of the United States of America.

He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows :

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress : but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. [The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall

1 Compare Article II with Confed. Art. X.

then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed ; and it there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President ; and if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.][1]

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President ; neither shall any person be

1 Altered by the XIIth Amendment.

eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Section II. Powers of the President.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the

actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

Section III. Duties of the President.

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on

extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section IV. Impeachment of the President.

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

Article III. Judicial Department.[1]

Section I. United States Courts.

The judicial power of the United States shall be vested in one supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

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1 The Confederacy had no such provision as Article III of the Constitution, except the attempt to make a Congressional Court in Confed. Art. IX.

Section II. Jurisdiction of the United States Courts.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.[1]

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the supreme Court shall have original jurisdiction. In all the other cases before mentioned, the supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed

1 Altered by XIth Amendment.

within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section III. Treason.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV. THE STATES AND THE FEDERAL GOVERNMENT.[1]

Section I. State Records.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section II. Privileges of Citizens, etc.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

1 Compare Article IV with Confed. Art. IV.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section III. New States and Territories.[1]

1. New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State ; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

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1 Compare Article IV, § III, with Confed. Art. XI.

Section IV. Guarantee to the States.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

Article V. Power of Amendment.[1]

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

1 Compare Article V with Confed. Art. XIII (last sentence).

ARTICLE VI. PUBLIC DEBT, SUPREMACY OF THE CONSTITUTION, OATH OF OFFICE, RELIGIOUS TEST.[1]

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

3. The senators and representatives before-mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII. RATIFICATION OF THE CONSTITUTION.

The ratification of the Conventions of nine

1 Compare Article VI, clause 1, with Confed. Art. XII; and clauses 2 and 3 with Confed. Art. XIII and addendum, "And whereas," etc.

States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the Independence of the United States of America the twelfth.

AMENDMENTS TO THE CONSTITUTION.

Article I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Article II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Article III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and

to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.[1]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

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1 Compare the Xth Amendment with Confed. Art. II. The first ten Amendments were proposed by Congress, September 25th, 1789, and declared in force, December 15th, 1791.

Article XI.[1]

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

Article XII.[2]

1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate;—the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for President,

1 Proposed by Congress March 5th, 1794, and declared in force January 8th, 1798.

2 Proposed by Congress December 12th, 1803, and declared in force September 25th, 1804.

shall be the President, if such number be a majority of the whole number of electors appointed ; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the

office of President shall be eligible to that of Vice-President of the United States.

Article XIII.[1]

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

Article XIV.[2]

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when

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1 Proposed by Congress February 1st, 1865, and declared in force December 18th, 1865.

2 Proposed by Congress June 16th, 1866, and declared in force July 28th, 1868.

the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a senator or representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not

be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce by appropriate legislation, the provisions of this article.

Article XV.[1]

1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation.

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1 Proposed by Congress February 26th, 1869, and declared in force March 30th, 1870.

APPENDIX C.

ADMISSION OF THE STATES.[1]

1. Delaware,[2] Dec. 7, 1787.
2. Pennsylvania,[2] Dec. 12, 1787.
3. New Jersey,[2] Dec. 18, 1787.
4. Georgia,[2] Jan. 2, 1788.
5. Connecticut,[2] Jan. 9, 1788.
6. Massachusetts,[2] Feb. 7, 1788.
7. Maryland,[2] April 28, 1788.
8. South Carolina,[2] May 23, 1788.
9. New Hampshire,[2] June 21, 1788.
10. Virginia,[2] June 26, 1788.
11. New York,[2] July 26, 1788.
12. North Carolina,[2] Nov. 21, 1789.
13. Rhode Island,[2] May 29, 1790.
14. Vermont, March 4, 1791.
15. Kentucky, June 1, 1792.
16. Tennessee, June 1, 1796.
17. Ohio, Nov. 29, 1802.
18. Louisiana, April 30, 1812.
19. Indiana, Dec. 11, 1816.
20. Mississippi, Dec. 10, 1817.
21. Illinois, Dec. 3, 1818.
22. Alabama, Dec. 14, 1819.
23. Maine, March 15, 1820.
24. Missouri, Aug. 10, 1821.
25. Arkansas, June 15, 1836.
26. Michigan, Jan. 26, 1837.
27. Florida, March 3, 1845.
28. Texas, Dec. 29, 1845.
29. Iowa, Dec. 28, 1846.
30. Wisconsin, May 29, 1848.
31. California, Sept. 9, 1850.
32. Minnesota, May 11, 1858.
33. Oregon, Feb. 14, 1859.
34. Kansas, Jan. 29, 1861.
35. West Virginia, June 19, 1863.
36. Nevada, Oct. 31, 1864.
37. Nebraska, March 1, 1867.
38. Colorado, Aug. 1, 1876.
39. North Dakota, Nov. 3, 1889.
40. South Dakota, Nov. 3, 1889.
41. Montana, Nov. 8, 1889.
42. Washington, Nov. 11, 1889.
43. Idaho, July 3, 1890.
44. Wyoming, July 7, 1890.
45. Utah, Jan. 4, 1896.
46. Oklahoma, Nov. 16, 1907.

[1] The dates given, after the first thirteen States, are those upon which the admission took effect.

[2] Ratified the Constitution and became States.

APPENDIX D.

SUMMARY OF POPULAR AND ELECTORAL VOTES IN PRESIDENTIAL ELECTIONS, 1789–1888.

Year.	Number of States.	Total Elect. Votes.	Party.	Candidates.[1]	States.	Popular Vote.	Electoral Vote.
1789	[2]10	73		George Washington,			69
				John Adams,			34
				John Jay,			9
				R. H. Harrison,			6
				John Rutledge,			6
				John Hancock,			4
				George Clinton,			3
				Samuel Huntington,			2
				John Milton,			2
				Benjamin Lincoln,			1
				James Armstrong,			1
				Edward Telfair,			1
				Vacancies,			4

1 For the conditions of the Presidential elections previous to 1804 see page 109.

2 Three States not voting, viz.: New York, which had not yet passed an electoral law; and North Carolina and Rhode Island, which had not yet ratified the Constitution.

APPENDIX D.—*Continued.*

Year.	Number of States.	Total Elect. Votes.	Party.	Candidates.	States.	Popular Vote.	Electoral Vote.
1792	15	135	Federalist,	George Washington,			132
			Federalist,	John Adams,			77
			Republican,	George Clinton,			50
			"	Thomas Jefferson,			4
			"	Aaron Burr,			1
				Vacancies,			3
1796	16	138	Federalist,	John Adams,			71
			Republican,	Thomas Jefferson,			68
			Federalist,	Thomas Pinckney,			59
			Republican,	Aaron Burr,			30
				Samuel Adams,			15
				Oliver Ellsworth,			11
				George Clinton,			7
				John Jay,			5
				James Iredell,			3
				George Washington,			2
				John Henry,			2

				S. Johnson,			2
				Charles C. Pinckney,			1
1800	16	138	Republican,	Thomas Jefferson,			73
			"	Aaron Burr,			73
			Federalist,	John Adams,			65
			"	Charles C. Pinckney,			64
			"	John Jay,			1

1 The disputed election of 1800 ; see page 53.

Year.	No. of States.	Total Elect. Vote.	Party.	For President.	States.	Popular Vote.	Electoral.	For Vice-President.	Electoral.
1804	17	176	Republican,	Thomas Jefferson,	15		162	George Clinton,	162
			Federalist,	Chas. C. Pinckney,	2		14	Rufus King,	14
1808	17	176	Republican,	James Madison,	12		122	George Clinton,	113
			"	George Clinton,			6	James Madison,	3
			Federalist,	Chas. C. Pinckney,	5		47	Rufus King,	47
								John Langdon,	9
								James Monroe,	3
				Vacancy,			1		1

APPENDIX D.—*Continued.*

Year.	No. of States.	Total Elect. Votes.	Party.	For President.	States.	Popular Vote.	Electoral.	For Vice-President.	Electoral.
1812	18	218	Republican,	James Madison,	11		128	Eldridge Gerry,	131
			Federalist,	De Witt Clinton,	7		89	Jared Ingersoll,	86
				Vacancy.			1		1
1816	19	221	Republican,	James Monroe,	16		183	D. D. Tompkins,	183
			Federalist,	Rufus King,	3		34	John E. Howard,	22
								James Ross,	5
								John Marshall,	4
								Robt. G. Harper,	3
				Vacancies,			4		4
1820	24	235	Republican,	James Monroe,	24		231	D. D. Tompkins,	218
				John Q. Adams,			1	Rich. Stockton,	8
								Daniel Rodney,	4
								Robt. G. Harper,	1
								Richard Rush,	1
				Vacancies,			3		3
1824	24	261	Republican,	Andrew Jackson,	10	155,872	[1]99	John C. Calhoun,	182
			"	John Q. Adams,	8	105,321	84	Nathan Sanford,	39
			"	Wm. H. Crawford,	3	44,282	41	Nathaniel Macon,	24

1 The disputed election of 1824; see page 101.

			Republican,	Henry Clay,	3	46,587	37	Andrew Jackson,	13
								M. Van Buren,	9
								Henry Clay,	2
				Vacancy,					1
1828	24	261	Democratic,	Andrew Jackson,	15	647,231	178	John C. Calhoun,	171
			Nat. Republican,	John Q. Adams,	9	509,097	83	Richard Rush,	83
								William Smith,	7
1832	24	288	Democratic,	Andrew Jackson,	15	687,502	219	Martin Van Buren,	189
			Nat. Republican,	Henry Clay,	7	530,189	49	John Sergeant,	49
			Anti-Mason,	William Wirt,	1	33,108	7	Amos Ellmaker,	7
				John Floyd,	1		11	Henry Lee,	11
								William Wilkins,	30
				Vacancies,			2		2
1836	26	294	Democratic,	Martin Van Buren,	15	761,549	170	R. M. Johnson,	[1]147
			Whig,	Wm. H. Harrison,	7		73	Francis Granger,	77
				Hugh L. White,	2	736,656	26	John Tyler,	47
				Daniel Webster,	1		14	William Smith,	23
				W. P. Mangum,	1		11		
1840	26	294	Whig,	Wm. H. Harrison,	19	1,275,017	234	John Tyler,	234
			Democratic,	Martin Van Buren,	7	1,128,702	60	R. M. Johnson,	48
			Liberty,	James G. Birney,		7,059			
								L. W. Tazewell,	11
								James K. Polk,	1

1 R. M. Johnson chosen by the Senate: see page 132.

APPENDIX D.—*Continued.*

Year.	No. of States.	Total Elect. Votes.	Party.	For President.	States.	Popular Vote.	Electoral.	For Vice-President.	Electoral.
1844	26	275	Democratic,	James K. Polk,	15	1,337,243	170	Geo. M. Dallas,	170
			Whig,	Henry Clay,	11	1,299,068	105	T. Frelinghuysen,	105
			Liberty,	James G. Birney,		62,300			
1848	30	290	Whig,	Zachary Taylor,	15	1,360,101	163	Millard Fillmore,	163
			Democratic,	Lewis Cass,	15	1,220,544	127	Wm. O. Butler,	127
			Free Soil,	Martin Van Buren,		291,263		Chas. F. Adams,	
1852	31	296	Democratic,	Franklin Pierce,	27	1,601,474	254	Wm. R. King,	254
			Whig,	Winfield Scott,	4	1,386,578	42	Wm. A. Graham,	42
			Free Democracy,	John P. Hale,		156,149		Geo. W. Julian,	
1856	31	296	Democratic,	James Buchanan,	19	1,838,169	174	J C. Breckinridge,	174
			Republican,	John C. Fremont,	11	1,341,264	114	Wm. L. Dayton,	114
			American,	Millard Fillmore,	1	874,534	8	A. J. Donelson,	8
1860	33	303	Republican,	Abraham Lincoln,	17	1,866,352	180	Hannibal Hamlin,	180
			Democratic,	J. C. Breckinridge,	11	845,763	72	Joseph Lane,	72
			Democratic,	S. A. Douglas,	2	1,375,157	12	H. V. Johnson,	12
			"Const. Union,"	John Bell,	3	589,581	39	Edward Everett,	39

1864	36	314	Republican,	Abraham Lincoln,	22	2,216,067	212	Andrew Johnson,	212
			Democratic,	Geo. B. McClellan,	3	1,808,725	21	G. H. Pendleton,	21
				Vacancies,[1]	11		81		81
1868	37	317	Republican,	Ulysses S. Grant,	26	3,015,071	214	Schuyler Colfax,	214
			Democratic,	Horatio Seymour,	8	2,709,613	80	F. P. Blair, Jr.,	80
				Vacancies,[2]	3		23		23
1872	37	366	Republican,	Ulysses S. Grant,	31	3,597,070	286	Henry Wilson,	286
			Dem. & Lib. Rep.,	Horace Greeley,	6	2,834,079		B. Gratz Brown,	47
			Democratic,	Chas. O'Conor,		29,408		John Q. Adams,	
			Temperance,	James Black,		5,608		A. H. Colquitt,	5
				T. A. Hendricks,			42	John M. Palmer,	3
				B. Gratz Brown,			18	Geo. W. Julian,	5
				Chas. J. Jenkins,			2	T. E. Bramlette,	3
				David Davis,			1	W. S. Groesbeck,	1
								Willis B. Machen,	1
								N. P. Banks,	1
				Not Counted,[3]			17		14
1876	38	369	Republican,	R. B. Hayes,	21	4,033,950	185	Wm. A. Wheeler,	185
			Democratic,	S. J. Tilden,	17	4,284,885	184	T. A. Hendricks,	184

1 Not voting, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

2 Not voting, Mississippi, Texas, and Virginia.

3 Seventeen votes rejected, viz.: 3 from Georgia for Horace Greeley (dead), and 8 from Louisiana and 6 from Arkansas for U. S. Grant.

APPENDIX D.—*Continued.*

Year.	No of States.	Total Elect. Votes.	Party.	For President.	States.	Popular Vote.	Electoral.	For Vice-President.	Electoral.
			"Greenback,"	Peter Cooper,		81,740		S. F. Cary,	
			"Prohibition,"	Green C. Smith,		9,522		R. T. Stewart,	
1880	38	369	Republican,	James A. Garfield,	19	4,442,950	214	Chester A. Arthur,	214
			Democratic,	W. S. Hancock,	19	4,442,035	155	Wm. H. English,	155
			"Greenback,"	James B. Weaver,		306,867		B. J. Chambers,	
				Scattering,		12,576			
1884	38	401	Democratic,	Grover Cleveland,	20	4,911,017	219	T. A. Hendricks,	219
			Republican,	Jas. G. Blaine,	18	4,848,334	182	John A. Logan,	182
			Prohibition,	J. P. St. John,		151,809		Wm. Daniel,	
			Labor,	B. F. Butler,		133,825		A. M. West,	
1888	38	401	Republican,	Benj. Harrison,	20	5,441,923	233	Levi P. Morton,	233
			Democratic,	Grover Cleveland,	18	5,536,524	168	Allen G. Thurman,	168
			Prohibition,	C. B. Fisk,		246,406			
			Union Labor,	A. J. Streeter,		144,608			

Year.	No. of States.	Total Elect. Voters.	Party.	For President.	States.	Popular Vote.	Electoral.	For Vice-President.	Electoral.
1892	44	444	Democratic,	Grover Cleveland,	23	5,554,267	277	A. E. Stevenson,	277
			Republican,	Benj. Harrison,	15	5,175,201	145	Whitelaw Reid,	145
			People's,	James B. Weaver,	6	1,042,531	22	James G. Field,	22
			Prohibition,	John Bidwell,		269,299		J. B. Cranfill,	
			Socialist-Labor,	Simon Wing,		21,266		C. H. Matchett,	
1896	45	447	Republican,	William McKinley,	23	7,104,779	271	Garrett A. Hobart,	271
			Democratic,	William J. Bryan,	22	6,502,925	176	Arthur Sewall,	173
			People's,	William J. Bryan,				Thos. E. Watson,	3
			Prohibition,	Joshua Levering,		144,379		Hale Johnson,	
			Nat. Prohibition,	Chas. E. Bentley,				J. H. Southgate,	
			Socialist-Labor,	Chas. B. Matchett,		36,576		Matthew Maguire,	
			Nat. Democratic,	John M. Palmer,		133,148		S. B. Buckner,	

APPENDIX D.—*Continued.*

Year.	No. of States.	Total Elect. Votes.	Party.	For President.	States.	Popular Vote.	Electoral.	For Vice-President.	Electoral.
1900	45	447	Republican,	William McKinley,	28	7,215,696	292	Theodore Roosevelt,	292
			Democratic,	William J. Bryan,	17	6,351,008	140	Adlai E. Stevenson,	155
			People's (Fusion),	William J. Bryan,				Adlai E. Stevenson,	
			Silver Repub.,	William J. Bryan,				Adlai E. Stevenson,	
			Prohibition,	John G. Woolley,		199,055		Henry B. Metcalf,	
			Socialist-Labor,	Joseph F. Malloney,		32,511		Valentine Remmel,	
			Social Dem.,	Eugene V. Debs,		83,010		Job Harriman,	
			Populist,	Wharton Barker,		52,233		Ignatius Donnelly,	
			Union Reform,	Seth Ellis,		5,698		Samuel T. Nicholson,	
			United Christian,	Jonah F. R. Leonard		1,059		David H. Martin,	

APPENDIX D.—*Continued.*

Year.	No. of States.	Total Elect. Votes.	Party.	For President.	States.	Popular Vote.	Electoral.	For Vice-President.	Electoral.
1904	45	476	Republican,	TheodoreRoosevelt,	32	7,621,407	336	Charles W. Fairbanks	336
			Democratic,	Alton B. Parker,	13	5,079,704	140	Henry G. Davis,	140
			Prohibition,	Silas C. Swallow,		258,847		George W. Carroll,	
			Socialist,	Eugene V. Debs,		402,321		Benjamin Hanford,	
			Populist,	Thomas E. Watson,		113,259		Thomas H. Tibbles,	
			Socialist-Labor,	Chas. H. Corregan,		33,460		William W. Cox,	
1908	46	483	Republican,	William H. Taft,	29	7,677,544	321	James S. Sherman,	321
			Democratic,	William J. Bryan,	17	6,405,707	162	John W. Kern,	162
			Prohibition,	Eugene W. Chapin,		251,660		Aaron S. Watkins,	
			Socialist,	Eugene V. Debs,		420,464		Benjamin Hanford,	
			Independence,	Thomas L. Hisgen,		83,628		John Temple Graves,	
			Populist,	Thomas E. Watson,		29,108		Samuel W. Williams,	
			Socialist-Labor,	Martin L. Preston,		14,021		Donald L. Munro,	

APPENDIX E.

POPULATION OF THE SECTIONS, 1790–1860.

Year.	Free States.	Slave States.
1790	1,968,453	1,961,374
1800	2,684,616	2,621,316
1810	3,758,910	3,480,902
1820	5,152,372	4,485,819
1830	7,006,399	5,848,312
1840	9,733,922	7,334,433
1850	13,599,488	9,663,997
1860	19,128,418	12,315,372

APPENDIX F.

Congressional Representation of the Sections, 1790–1860.

Year.	Senate.		House.	
	Free States.	Slave States.	Free States.	Slave States.
1790	14	12	35	30
1792	16	14	57	48
1796	16	16	57	49
1800	16	16	57	49
1804	18	16	77	65
1808	18	16	77	65
1812	18	18	103	79
1816	20	18	104	79
1820	24	24	105	82
1824	24	24	123	90
1828	24	24	123	90
1832	24	24	141	99
1836	26	26	142	100
1840	26	26	142	100
1844	26	26	135	98
1848	30	30	139	91
1852	32	30	144	90
1856	32	30	144	90
1860	36	30	147	90

☞ To find the Electoral Votes, add together the number of Senators and Representatives.

APPENDIX G.

The Sections in 1870.

Sections.	Population in 1870.	Senate.	House.	Elect. Votes.
The South: (Ala., Ark., Fla., Ga., Ky., La., Md., Miss., N. C., S. C., Tenn., Tex., Va., W. V.),	12,032,225	28	92	120
The North-west: (Ill., Ia., Ind., Ks., Mich., Minn., Mo., Neb., O., Wis.),	12,702,299	20	98	118
The Middle States: (Del., N. J., N. Y., Penn.),	8,941,625	8	68	76
New England: (Conn., Mass., Me., N. H., R. I., Vt.),	3,187,924	12	28	40
The Pacific: (Cal., Col., Nev., Or.),	889,789	8	7	15
Total,	38,925,598	76	293	369

☞ The total population includes Territories and Indians.

The Sections in 1880.

Sections.	Population in 1880.	Senate.	House.	Elect. Votes.
The South	16,188,757	28	106	134
The North-west	17,229,810	20	114	134
The Middle States	10,644,233	8	70	78
New England	4,010,438	12	26	38
The Pacific	1,296,367	8	9	17
Total	50,155,783	76	325	401

☞ The total population includes Territories and Indians. The Apportionment Act of Feb. 25th, 1882, took effect March 3d, 1883.

APPENDIX G.—*Continued.*

The Sections in 1890.

Sections.	Population in 1890.	Senate.	House.	Elect. Votes.
The South	19,370,094	28	111	139
The North-west	22,362,279	24	128	152
The Middle States	12,869,293	8	73	81
New England	4,700,745	12	27	39
The Pacific	2,814,400	18	18	36
Total	62,830,155	90	357	447

☞ The new States of Montana, Washington, Idaho, Wyoming, and Utah are classed with the Pacific States. The Dakotas are classed with the North-west. The total population includes the Territories. The Apportionment Act of Feb. 7th, 1891, took effect March 3d, 1893.

The Sections in 1900.

Sections.	Population in 1900.	Senate.	House.*	Elect. Votes.
The South	23,271,689	28	120	148
The North-west	26,335,243	24	136	160
The Middle States	15,638,531	8	80	88
New England	5,591,952	12	29	41
The Pacific	3,773,108	18	21	39
Total	76,215,132	90	386	476

☞ The States of Montana, Washington, Idaho, Wyoming, and Utah are classed with the Pacific States. The Dakotas are classed with the North-west. The total population includes the Territories (Alaska, Ariz., D. C., Hawaii, Ind. Terr., N. M., Okla.). The population of Porto Rico was 953,243 according to the census of 1900.

* According to the Apportionment Act, passed Jan. 11th, 1901, to take effect March 3d, 1903.

APPENDIX H.

Cabinet Officers of the Administrations.

I. and II.; 1789–1797 (page 19).

Secretary of State, Thomas Jefferson, Virginia, September 26th, 1789; Edmund Randolph, Virginia, January 2d, 1794; Timothy Pickering, Pennsylvania, December 10th, 1795. **Secretary of Treasury,** Alexander Hamilton, New York, September 11th, 1789; Oliver Wolcott, Connecticut, February 2d, 1795. **Secretary of War,** Henry Knox, Massachusetts, September 12th, 1789; Timothy Pickering, Pennsylvania, January 2d, 1795; James McHenry, Maryland, January 27th, 1796. **Attorney-General,** Edmund Randolph, Virginia, September 26th, 1789; William Bradford, Pennsylvania, January 27th, 1794; Charles Lee, Virginia, December 10th, 1795. **Postmaster-General,**[1] E. Hazard, January 28th, 1782–September 29th, 1789; Samuel Osgood, Massachusetts, September 29th, 1789; Timothy Pickering, Pennsylvania, August 12th, 1791; Joseph Habersham, Georgia, February 25th, 1795.

III.; 1797–1801 (page 44).

Secretary of State, Timothy Pickering, continued; John Marshall, Virginia, May 13th, 1800. **Secretary of Treasury,** Oliver Wolcott, continued; Samuel Dexter, Massachusetts, January 1st, 1801. **Secretary of War,** James McHenry, continued; Samuel Dexter, Massachusetts, May

[1] Not a Cabinet officer, but a subordinate of the Treasury Department until 1829.

13th, 1800; Roger Griswold, Connecticut, February 3d, 1801. **Secretary of Navy,**[1] George Cabot, Massachusetts, May 3d, 1798; Benjamin Stoddert, Maryland, May 21st, 1798. **Attorney-General,** Charles Lee, continued; Theophilus Parsons, Massachusetts, February 20th, 1801. **Postmaster-General,** Joseph Habersham, continued.

IV. AND V.; 1801–1809 (page 55).

Secretary of State, James Madison, Virginia, March 5th, 1801. **Secretary of Treasury,** Samuel Dexter, continued; Albert Gallatin, Pennsylvania, May 14th, 1801. **Secretary of War,** Henry Dearborn, Massachusetts, March 5th, 1801. **Secretary of Navy,** Benjamin Stoddert, continued; Robert Smith, Maryland, July 15th, 1801; Jacob Crowninshield, Massachusetts, May 3d, 1805. **Attorney-General,** Levi Lincoln, Massachusetts, March 5th, 1801; Robert Smith, Maryland, March 3d, 1805; John Breckinridge, Kentucky, August 7th, 1805; Cæsar A. Rodney, Pennsylvania, January 20th, 1807. **Postmaster-General,** Joseph Habersham, continued; Gideon Granger, Connecticut, November 28th, 1801.

VI. AND VII.; 1809–1817 (page 73).

Secretary of State, Robert Smith, Maryland, March 6th, 1809; James Monroe, Virginia, April 2d, 1811. **Secretary of Treasury,** Albert Gallatin, continued; George W. Campbell, Tennessee, February 9th, 1814; A. J. Dallas, Pennsylvania, October 6th, 1814; William H. Crawford, Georgia, October 22d, 1816. **Secretary of War,** William Eustis, Massachusetts, March 7th, 1809; John Armstrong, New York, January 13th, 1813; James Monroe, Virginia, Septem-

1 Naval affairs were under the control of the Secretary of War until a separate Navy Department was organized by Act of April 30th, 1798. The Acts organizing the other Departments were of the following dates: **State,** September 15th, 1789; **Treasury,** September 2d, 1789; **War,** August 7th, 1789. The Attorney-General's duties were regulated by the Judiciary Act of September 24th, 1789. **Interior,** March 3d, 1849. For the establishment of the Department of **Agriculture,** see page 279.

ber 27th, 1814; William H. Crawford, Georgia, August 1st, 1815. **Secretary of Navy,** Paul Hamilton, South Carolina, March 7th, 1809; William Jones, Pennsylvania, January 12th, 1813; B. W. Crowninshield, Massachusetts, December 19th, 1814. **Attorney-General,** C. A. Rodney, continued; William Pinckney, Maryland, December 11th, 1811; Richard Rush, Pennsylvania, February 10th, 1814. **Postmaster-General,** Gideon Granger, continued; Return J. Meigs, Ohio, March 17th, 1814.

VIII. AND IX.; 1817–1825 (page 89).

Secretary of State, John Quincy Adams, Massachusetts, March 5th, 1817. **Secretary of Treasury,** William H. Crawford, continued. **Secretary of War,** George Graham, Virginia, April 7th, 1817; John C. Calhoun, South Carolina, October 8th, 1817. **Secretary of Navy,** B. W. Crowninshield, continued; Smith Thompson, New York, November 9th, 1818; John Rogers, Massachusetts, September 1st, 1823; Samuel L. Southard, New Jersey, September 16th, 1823. **Attorney-General,** Richard Rush, continued; William Wirt, Virginia, November 13th, 1817. **Postmaster-General,** R. J. Meigs, continued; John McLean, Ohio, June 26th, 1823.

X.; 1825–1829 (page 103).

Secretary of State, Henry Clay, Kentucky, March 7th, 1825. **Secretary of Treasury,** Richard Rush, Pennsylvania, March 7th, 1825. **Secretary of War,** James Barbour, Virginia, March 7th, 1825; Peter B. Porter, New York, May 26th, 1828. **Secretary of Navy,** S. L. Southard, continued. **Attorney-General,** William Wirt, continued. **Postmaster-General,** John McLean, continued.

XI. AND XII.; 1829–1837 (page 109).

Secretary of State, Martin Van Buren, New York, March 6th, 1829; Edward Livingston, Louisiana, May 24th,

1831; Louis McLane, Delaware, May 29th, 1833; John Forsyth, Georgia, June 27th, 1834. **Secretary of Treasury,** Samuel D. Ingham, Pennsylvania, March 6th, 1829; Louis McLane, Delaware, August 8th, 1831; William J. Duane, Pennsylvania, May 29th, 1833; Roger B. Taney, Maryland, September 23d, 1833; Levi Woodbury, New Hampshire, June 27th, 1834. **Secretary of War,** John H. Eaton, Tennessee, March 9th, 1829; Lewis Cass, Michigan, August 1st, 1831; Benjamin F. Butler, New York, March 3d, 1837. **Secretary of Navy,** John Branch, North Carolina, March 9th, 1829; Levi Woodbury, New Hampshire, May 23d, 1831; Mahlon Dickerson, New Jersey, June 30th, 1834. **Attorney-General,** John M. Berrien, Georgia, March 9th, 1839; Roger B. Taney, Maryland, July 20th, 1831; Benjamin F. Butler, New York, November 15th, 1833. **Postmaster-General,** William T. Barry, Kentucky, March 9th, 1829; Amos Kendall, Kentucky, May 1st, 1835.

XIII.; 1837–1841 (page 133).

Secretary of State, John Forsyth, continued. **Secretary of Treasury,** Levi Woodbury, continued. **Secretary of War,** Joel R. Poinsett, South Carolina, March 7th, 1837. **Secretary of Navy,** Mahlon Dickerson, continued; James K. Paulding, New York, June 25th, 1838. **Attorney-General,** Benjamin F. Butler, continued; Felix Grundy, Tennessee, July 5th, 1838; Henry D. Gilpin, Pennsylvania, January 11th, 1840. **Postmaster-General,** Amos Kendall, continued; John M. Niles, Connecticut, May 19th, 1840.

XIV.; 1841–1845 (page 140).

Secretary of State, Daniel Webster, Massachusetts, March 5th, 1841; Hugh S. Legare, South Carolina, May 9th, 1843; A. P. Upshur, Virginia, July 24th, 1843; John C. Calhoun, South Carolina, March 6th, 1844. **Secretary of Treasury,** Thomas Ewing, Ohio, March 5th, 1841; Walter

Forward, Pennsylvania, September 13th, 1841; John C. Spencer, New York, March 3d, 1843; George M. Bibb, Kentucky, June 15th, 1844. **Secretary of War**, John Bell, Tennessee, March 5th, 1841; John McLean, Ohio, September 13th, 1841; John C. Spencer, New York, October 12th, 1841; James M. Porter, Pennsylvania, March 8th, 1843; William Wilkins, Pennsylvania, February 15th, 1844. **Secretary of Navy**, G. E. Badger, North Carolina, March 5th, 1841; A. P. Upshur, Virginia, September 13th, 1841; David Henshaw, Massachusetts, July 24th, 1843; T. W. Gilmer, Virginia, February 15th, 1844; John Y. Mason, Virginia, March 14th, 1844. **Attorney-General**, John J. Crittenden, Kentucky, March 5th, 1841; Hugh S. Legare, South Carolina, September 13th, 1841; John Nelson, Maryland, July 1st, 1843. **Postmaster-General**, Francis Granger, New York, March 6th, 1841; Charles A. Wickliffe, Kentucky, September 13th, 1841.

XV.; 1845–1849 (page 149).

Secretary of State, James Buchanan, Pennsylvania, March 6th, 1845. **Secretary of Treasury**, Robert J. Walker, Mississippi, March 6th, 1845. **Secretary of War**, William L. Marcy, New York, March 6th, 1845. **Secretary of Navy**, George Bancroft, Massachusetts, March 10th, 1845; John Y. Mason, Virginia, September 9th, 1846. **Attorney-General**, John Y. Mason, Virginia, March 5th, 1845; Nathan Clifford, Maine, October 17th, 1846. **Postmaster-General**, Cave Johnson, Tennessee, March 6th, 1845.

XVI.; 1859–1853 (page 159).

Secretary of State, John M. Clayton, Delaware, March 7th, 1849; Daniel Webster, Massachusetts, July 22d, 1850; Edward Everett, Massachusetts, December 6th, 1852. **Secretary of Treasury**, W. M. Meredith, Pennsylvania, March 8th, 1849; Thomas Corwin, Ohio, July 23d, 1850. **Secretary of State**, George W. Crawford, Georgia, March 8th,

1849; Winfield Scott (*ad interim*), July 23d, 1850; Charles M. Conrad, Louisiana, August 15th, 1850. **Secretary of Navy,** William B. Preston, Virginia, March 8th, 1849; William A. Graham, North Carolina, July 22d, 1850; J. P. Kennedy, Maryland, July 22d, 1852. **Secretary of Interior,**[1] Thomas H. Ewing, Ohio, March 8th, 1849; A. H. H. Stuart, Virginia, September 12th, 1850. **Attorney-General,** Reverdy Johnson, Maryland, March 8th, 1849; John J. Crittenden, Kentucky, July 22d, 1850. **Postmaster-General,** Jacob Collamer, Vermont, March 8th, 1849; Nathan K. Hall, New York, July 23d, 1850; S. D. Hubbard, Connecticut, August 31st, 1852.

XVII.; 1853–1857 (page 167).

Secretary of State, William L. Marcy, New York, March 7th, 1853. **Secretary of Treasury,** James Guthrie, Kentucky, March 7th, 1853. **Secretary of War,** Jefferson Davis, Mississippi, March 7th, 1853. **Secretary of Navy,** James C. Dobbin, North Carolina, March 7th, 1853. **Secretary of Interior,** Robert McClelland, Michigan, March 7th, 1853. **Attorney-General,** Caleb Cushing, Massachusetts, March 7th, 1853. **Postmaster-General,** James Campbell, Pennsylvania, March 7th, 1853.

XVIII.; 1857–1861 (page 179).

Secretary of State, Lewis Cass, Michigan, March 6th, 1857; J. S. Black, Pennsylvania, December 17th, 1860. **Secretary of Treasury,** Howell Cobb, Georgia, March 6th, 1857; Philip F. Thomas, Maryland, December 12th, 1860; John A. Dix, New York, January 11th, 1861. **Secretary of War,** John B. Floyd, Virginia, March 6th, 1857; Joseph Holt, Kentucky, January 18th, 1861. **Secretary of Navy,** Isaac Toucey, Connecticut, March 6th, 1857. **Secretary of Interior,** Jacob Thompson, Mississippi, March 6th, 1857.

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1 Organized by Act of March 3d, 1849.

Attorney-General, J. S. Black, Pennsylvania, March 6th, 1857; E. M. Stanton, Pennsylvania, December 20th, 1860. **Postmaster-General,** Aaron V. Brown, Tennessee, March 6th, 1857; Joseph Holt, Kentucky, March 14th, 1859; Horatio King, Maine, February 12th, 1861.

XIX. AND XX.; 1861–1869 (page 197).

Secretary of State, William H. Seward, New York, March 5th, 1861. **Secretary of Treasury,** S. P. Chase, Ohio, March 5th, 1861; W. P. Fessenden, Maine, July 1st, 1864; Hugh McCulloch, Indiana, March 7th, 1865. **Secretary of War,** Simon Cameron, Pennsylvania, March 5th, 1861; Edwin M. Stanton, Pennsylvania, January 15th, 1862; U. S. Grant (*ad interim*),[1] August 12th, 1867; Edwin M. Stanton (reinstated), January 14th, 1868; J. M. Scofield, Illinois, May 28th, 1868. **Secretary of Navy,** Gideon Welles, Connecticut, March 5th, 1861. **Secretary of Interior,** Caleb P. Smith, March 5th, 1861; John P. Usher, Indiana, January 8th, 1863; James Harlan, Iowa, May 15th, 1865; O. H. Browning, Illinois, July 27th, 1866. **Attorney-General,** Edward Bates, Missouri, March 5th, 1861; Titian J. Coffee, June 22d, 1863; James Speed, Kentucky, December 2d, 1864; Henry Stanbery, Ohio, July 23d, 1866; William M. Evarts, New York, July 15, 1868. **Postmaster-General,** Montgomery Blair, Maryland, March 5th, 1861; William Dennison, Ohio, September 24th, 1864; Alexander W. Randall, Wisconsin, July 25th, 1866.

XXI. AND XXII.; 1869–1877 (page 220).

Secretary of State, E. B. Washburne, Illinois, March 5th, 1869; Hamilton Fish, New York, March 11th, 1869. **Secretary of Treasury,** George S. Boutwell, Massachusetts, March 11th, 1869; William A. Richardson, Massachusetts, March 17th, 1873; Benjamin H. Bristow, Kentucky, June 2d, 1874; Lot M. Merrill, Maine, June 21st, 1876. **Secretary of War,**

1 See p. 216.

John A. Rawlins, Illinois, March 11th, 1869; William T. Sherman, Ohio, September 9th, 1869; William W. Belknap, Iowa, October 25th, 1869; Alphonso Taft, Ohio, March 8th, 1876; J. D. Cameron, Pennsylvania, May 22d, 1876. **Secretary of Navy,** Adolph E. Borie, Pennsylvania, March 5th, 1869; George M. Robeson. New Jersey, June 25th, 1869. **Secretary of Interior,** John D. Cox, Ohio, March 5th, 1869; Columbus Delano, Ohio, November 1st, 1870; Zachariah Chandler, Michigan, October 19th, 1875. **Attorney-General,** E. R. Hoar, Massachusetts, March 5th, 1869; Amos T. Akerman, Georgia, June 23d, 1870; George H. Williams, Oregon, December 14th, 1871; Edwards Pierrepont, New York, April 26th, 1875; Alphonso Taft, Ohio, May 22d, 1876. **Postmaster-General,** J. A. J. Creswell, Maryland, March 5th, 1869; Marshall Jewell, Connecticut, August 24th, 1874; James M. Tyner, Indiana, July 12th, 1876.

XXIII.; 1877–1881 (page 249).

Secretary of State, William M. Evarts, New York, March 12th, 1877. **Secretary of Treasury,** John Sherman, Ohio, March 8th, 1877. **Secretary of War,** George W. McCrary, Iowa, March 12th, 1877; Alexander Ramsey, Minnesota, December 12th, 1879. **Secretary of Navy,** Richard W. Thompson, Indiana, March 12th, 1877; Nathan Goff, Jr., West Virginia, January 6th, 1881. **Secretary of Interior,** Carl Schurz, Missouri, March 12th, 1877. **Attorney-General,** Charles Devens, Massachusetts, March 12th, 1877. **Postmaster-General,** David M. Key, Tennessee, March 12th, 1877; Horace Maynard, Tennessee, August 25th, 1880.

XXIV.; 1881–1885 (page 259).

Secretary of State, James G. Blaine, Maine, March 5th, 1881; Frederick T. Frelinghuysen, New Jersey, December 12th, 1881. **Secretary of Treasury,** William H. Windom, Minnesota, March 5th, 1881; Charles J. Folger, New York, October 27th, 1881. **Secretary of War,** Robert T. Lincoln,

Illinois, March 5th, 1881. **Secretary of Navy,** W. H. Hunt, Louisiana, March 5th, 1881; Wm. E. Chandler, New Hampshire, April 12th, 1882. **Secretary of Interior,** S. J. Kirkwood, Iowa, March 5th, 1881; Henry M. Teller, Colo., April 6th, 1882. **Attorney-General,** Wayne MacVeagh, Pennsylvania, March 5th, 1881; Benjamin H. Brewster, Pennsylvania, December 16th, 1881. **Postmaster-General,** Thomas L. James, New York, March 5th, 1881; Timothy O. Howe, Wisconsin, December 20th, 1881; W. Q. Gresham, Indiana, April 3rd, 1883; Frank Hatton, Iowa, October 14th, 1884.

XXV.; 1885–1889 (page 268).

Secretary of State, Thomas F. Bayard, Delaware, March 6th, 1885. **Secretary of Treasury,** Daniel Manning, New York, March 6th, 1885; Charles S. Fairchild, New York, April 1st, 1887. **Secretary of War,** William C. Endicott, Massachusetts, March 6th, 1885. **Secretary of Navy,** William C. Whitney, New York, March 6th, 1885. **Secretary of Interior,** Lucius Q. C. Lamar, Mississippi, March 6th, 1885; William F. Vilas, Wisconsin, January 16th, 1888. **Attorney-General,** Augustus H. Garland, Arkansas, March 6th, 1885. **Postmaster-General,** William F. Vilas, Wisconsin, March 6th, 1885; Don M. Dickinson, Michigan, January 16th, 1888.

XXVI.; 1889–1893 (page 280).

Secretary of State,[1] James G. Blaine, Maine, March 7th, 1889; John W. Foster, Indiana, June 29th, 1892. **Secretary of the Treasury,** William Windom, Minnesota, March 7th, 1889; Charles Foster, Ohio, February 25th, 1891. **Secretary of War,** Redfield Proctor, Vermont, March 7th, 1889; Stephen B. Elkins, West Virginia, December 24th, 1891. **Attorney-General,** W. H. H. Miller, Indiana, March 7th, 1889. **Postmaster-General,** John Wanamaker, Pennsylvania, March 7th, 1889. **Secretary of the Navy,** Benj. F. Tracy, New York, March 7th, 1889. **Secretary of the**

1 The Cabinet is here arranged in the order of succession for the Presidency according to Act of XLIXth Congress, which does not, however, include the Secretary of Agriculture.

Interior, John W. Noble, Missouri, March 7th, 1889. **Secretary of Agriculture,** Jere. M. Rusk, Wisconsin, March 7th, 1889.

XXVII.; 1893–1897 (page 290).

Secretary of State, Walter Q. Gresham, Illinois, March 7th, 1893; Richard Olney, Massachusetts, June 10th, 1895. **Secretary of the Treasury,** John G. Carlisle, Kentucky, March 7th, 1893. **Secretary of War,** Daniel S. Lamont, New York, March 7th, 1893. **Attorney-General,** Richard Olney, Massachusetts, March 7th, 1893; Judson Harmon, Ohio, June 11th, 1895. **Postmaster-General,** Wilson S. Bissell, New York, March 7th, 1893; William L. Wilson, West Virginia, April 3d, 1895. **Secretary of the Navy,** Hilary A. Herbert, Alabama, March 7th, 1893. **Secretary of the Interior,** Hoke Smith, Georgia, March 7th, 1893; David R. Francis, Missouri, September 3d, 1896. **Secretary of Agriculture,** Julius Sterling Morton, Nebraska, March 7th, 1893.

XXVIII. and XXIX.; 1897–1905 (page 303).

Secretary of State, John Sherman, Ohio, March 6th, 1897; William R. Day, Ohio, April 26th, 1898; John Hay, District of Columbia, September 20th, 1898; John Hay, District of Columbia, March 5th, 1901; John Hay, District of Columbia, September 14th, 1901. **Secretary of the Treasury,** Lyman J. Gage, Illinois, March 5th, 1897; Lyman J. Gage, Illinois, March 5th, 1901; Lyman J. Gage, Illinois, September 14th, 1901; Leslie M. Shaw, Iowa, January 9th, 1902. **Secretary of War,** Russell A. Alger, Michigan, March 5th, 1897; Elihu Root, New York, August 1st, 1899; Elihu Root, New York, March 5th, 1901; Elihu Root, New York, September 14th, 1901; William H. Taft, Ohio, February 1st, 1904. **Attorney-General,** Joseph McKenna, California, March 5th, 1897; John W. Griggs, New Jersey, January 31st, 1898; John W. Griggs, New Jersey, March 5th, 1901; Philander C.

Knox, Pennsylvania, April 5th, 1901; Philander C. Knox, Pennsylvania, September 14th, 1901; William H. Moody, Massachusetts, July 1st, 1904. **Postmaster-General,** James A. Gary, Maryland, March 5th, 1897; Charles Emory Smith, Pennsylvania, April 21st, 1898; Charles Emory Smith, Pennsylvania, March 5th, 1901; Charles Emory Smith, Pennsylvania, September 14th, 1901; Henry C. Payne, Wisconsin, January 9th, 1902; Robert J. Wynne, Pennsylvania, October 10th, 1904. **Secretary of the Navy,** John D. Long, Massachusetts, March 5th, 1897; John D. Long, Massachusetts, March 5th, 1901; John D. Long, Massachusetts, September 14th, 1901; William H. Moody, Massachusetts, April 29, 1902; Paul Morton, Illinois, July 1st, 1904. **Secretary of the Interior,** Cornelius N. Bliss, New York, March 5th, 1897; Ethan Allen Hitchcock, Missouri, December 21st, 1898; Ethan Allen Hitchcock, Missouri, March 5th, 1901; Ethan Allen Hitchcock, Missouri, September 14th, 1901. **Secretary of Agriculture,** James Wilson, Iowa, March 6th, 1897; James Wilson, Iowa, March 3d, 1901; James Wilson, Iowa, September 14th, 1901. **Secretary of Commerce and Labor,** George B. Cortelyou, New York, February 18th, 1903; Victor H. Metcalf, California, July 1st, 1904.

XXX.; 1905-1909 (page 331).

Secretary of State, John Hay, District of Columbia, March 6th, 1905; Elihu Root, New York, July 20th, 1905; Robert Bacon, New York, January 27th, 1909. **Secretary of the Treasury,** Leslie M. Shaw, Iowa, March 6th, 1905; George B. Cortelyou, New York, March 4th, 1907. **Secretary of War,** William H. Taft, Ohio, March 6th, 1905; Luke E. Wright, Tennessee, July 1st, 1908. **Attorney-General,** William H. Moody, Massachusetts, March 6th, 1905; Charles J. Bonaparte, Maryland, December 17th, 1906; **Postmaster-General,** George B. Cortelyou, New York, March 6th, 1905;

George von L. Meyer, Massachusetts, March 4th, 1907. **Secretary of the Navy,** Paul Morton, Illinois, March 6th, 1905; Charles J. Bonaparte, Maryland, July 1st, 1905; Victor H. Metcalf, California, December 17th, 1906; Truman H. Newberry, Michigan, December 1st, 1908. **Secretary of the Interior,** Ethan Allen Hitchcock, Missouri, March 6th, 1905; James R. Garfield, Ohio, March 5th, 1907. **Secretary of Agriculture,** James Wilson, Iowa, March 6th, 1905. **Secretary of Commerce and Labor,** Victor H. Metcalf, California, March 6th, 1905; Oscar S. Straus, New York, December 17th, 1907.

XXXI.; 1909–

Secretary of State, Philander C. Knox, Pennsylvania, March 5th, 1909. **Secretary of the Treasury,** Franklin MacVeagh, Illinois, March 5th, 1909. **Secretary of War,** Jacob M. Dickinson, Tennessee, March 5th, 1909. **Attorney-General,** George W. Wickersham, New York, March 5th, 1909. **Postmaster-General,** Frank H. Hitchcock, Massachusetts, March 5th, 1909. **Secretary of the Navy,** George von L. Meyer, Massachusetts, March 5th, 1909. **Secretary of the Interior,** Richard A. Ballinger, Washington, March 5th, 1909. **Secretary of Agriculture,** James Wilson, Iowa, March 5th, 1909. **Secretary of Commerce and Labor,** Charles Nagel, Missouri, March 5th, 1909.

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